

HOUSE OF REPRESENTATIVES—Tuesday, June 3, 1986

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to say the good words of grace and to live these words in our hearts. May we express the wonder and awe of life, and also to experience those words in our lives. Grant, O God, that the words we have said with our lips, we may believe in our hearts, and all that we believe in our hearts we may practice in our daily lives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

STEVEN McKENNA

The Clerk called the bill (H.R. 1598) for the relief of Steven McKenna.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

CONSENT CALENDAR

The SPEAKER. Pursuant to the order of the House of Thursday, May 22, 1986, this is Consent Calendar day. The Clerk will call the eligible bill on the Consent Calendar.

RURAL WATER RIGHT-OF-WAY POLICY ACT OF 1985

The Clerk called the bill (H.R. 3617) to exempt rural water systems facilities assisted under the Consolidated Farm and Rural Development Act as amended from certain right-of-way

rental payments under the Federal Land Policy and Management Act of 1976.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The bill will be passed over until the next call of the Consent Calendar.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolution on Friday, May 30, 1986:

S. 2179. An act to amend the Communications Act of 1934 to provide for reduction in the term of office of members of the Federal Communications Commission, and for other purposes;

S. 2460. An act to extend until June 30, 1986, the date on which certain limitations become effective with respect to obligations that may be made from the military personnel accounts of the Department of Defense for fiscal year 1986; and

S.J. Res. 344. Joint resolution to designate the week beginning June 8, 1986, as "National Children's Accident Prevention Week."

PRESIDENT'S ANNOUNCEMENT ON SALT II PROVOKES FEAR OF NUCLEAR ARMS RACE ESCALATION

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, by means of this statement I very earnestly and respectfully call upon President Reagan to reconsider his announced plan of last week to deliberately abandon our 7-year observance of the terms of the SALT II Treaty.

If there is any one thing the world clearly does not need and cannot afford, it is a new escalation of the nuclear arms race.

Out of personal consideration for the President and in deference to the constitutional responsibility of his office, I have maintained public silence on this matter for a full week following his announcement, hoping that the solemn entreaties from our allies and friends throughout the world would bring him to the realization of the awful gravity of our unilaterally abrogating the terms of that treaty.

It is emphatically not for that purpose that Congress has provided so

amply and generously to the Pentagon. Both Houses of Congress by strong bipartisan majorities have called for the President to resubmit the treaty for official ratification. It is deeply disappointing that he has not done so.

Presidential talk of scrapping the SALT II Treaty dismays and confuses our allies and puts us, the United States, in the position of the antagonist. It makes our country appear to be the reluctant party in arriving at constructive arms agreements. That role is out of character for us and inconsistent with our long-avowed national purpose.

Such an action at this time would not even be in our own strategic best interest, since it could give both reason and excuse to the Soviet Union, having much larger missiles than ours, to arm those ICBM's with nuclear warheads in multiple numbers beyond our present technological capacity to keep pace.

For each and all of these reasons, I call upon Mr. Reagan to honor the express wishes of the Congress and the clear desire of all mankind to avoid a new round of leapfrogging in the nuclear arms race and an unwanted resumption of the hostile attitudes which have only recently begun to abate.

WE AS A NATION HAVE SHOWN AN AMAZING ILLITERACY AND INCOMPETENCE IN MONETARY AFFAIRS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the late Walter E. Spahr was an outstanding monetary scientist, foreseeing many if not most of the trials and tribulations of the irredeemable dollar. Here is one of his memorable quotations:

The clinical facts are that an irredeemable currency, lacking the disease-fighting white cells of gold, is a diseased and dangerous monetary bloodstream. It distorts and weakens the economy, and can ultimately destroy it.

We in this nation have shown an amazing illiteracy and incompetence in monetary affairs; we have revealed that we want the bloating and undermining forces, but not the solid and purifying element, in our currency. (Monetary Notes, May 1, 1958.)

Mr. Speaker, the sad part is not our illiteracy in monetary affairs, but our

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dogged stubbornness in refusing to learn.

TVA DIRECTORS ASKED TO CEASE PAYMENTS UNDER IMPROPER PERSONAL SERVICES CONTRACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, yesterday the General Accounting Office [GAO] informed me that the contract which the Tennessee Valley Authority [TVA] entered into to make retired Adm. Steven White its nuclear czar at \$355,200 a year was illegal. GAO correctly ruled that a personal services contract cannot be used to circumvent the pay cap and the double dipping restrictions.

Due to a legal technicality, GAO cannot order TVA to stop spending money under this illegal contract, as it can with most other agencies. The fact that GAO cannot order TVA to stop does not make the TVA-White contract any more legal. I, therefore, call on the Directors of the Tennessee Valley Authority to immediately cease payments under this improper contract.

TVA contracted with Steven White to be its nuclear czar because its nuclear power program is in shambles. Not one of its five nuclear powerplants is operating or likely to begin operating in the near future. TVA management says that, unless TVA spends millions on outside management, its enormous investment in nuclear power will go down the drain. My own view is that spending millions to try to get these plants running is pouring good money after bad.

A group of skilled TVA employees has been warning of safety problems at the nuclear plants for years. Instead of giving these employees charge of making the plants safe, TVA management has taken reprisals against these whistleblowers. Perhaps, TVA could have averted its present calamity if it had listened to its own employees.

I hope and expect TVA to comply with the ruling of GAO. If TVA decides to tough it out, I will work with other House Members to enforce this ruling through legislation.

TORT ACTION PROCEDURE REFORM ACT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, having just returned from 10 days in central Wisconsin, I can report that Americans are suffering from the increasing number and cost of civil lawsuits.

Liability insurance premiums for Wisconsin truckers have doubled in the past 2 years, as have average malpractice premiums for physicians in our part of the country. Liability coverage for 24 Wisconsin counties was terminated altogether several months ago, and at least 3 counties in my district are facing million-dollar lawsuits. One small local manufacturer of equipment for the handicapped is now paying liability insurance premiums exceeding one-eighth of its sales revenue, even though it has never lost a lawsuit. We all pay for this in increasing cost and decreasing availability of goods and services.

To reverse this trend, I am introducing legislation mandating pretrial arbitration for civil personal injury legal claims. Experience indicates that this reform will reduce costs while providing swifter justice for all. I urge your support.

□ 1210

LEGISLATION TO PRESERVE EXISTING ARMS CONTROL AGREEMENTS

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, today I am introducing legislation to maintain the limitations on strategic nuclear weapons systems included in existing arms control agreements. I take this action because of my deep concern over the implications of recent administration statements announcing their intention to abandon arms control restraints later this year.

I was in Geneva acting in my capacity as a congressional observer to the arms negotiations when the announcement was made to dismantle two Poseidon submarines. This action was welcomed by our NATO allies, and by all of us interested in arms control.

However, the positive impact of that decision was more than offset by the rhetoric included in the President's statement indicating the intention to ignore SALT I and SALT II limits in the future and to make strategic weapons decisions on solely military grounds. The statements of the Secretary of Defense and others following the announcement were especially disturbing to our allies.

No one claims that existing arms control agreements are perfect. We all hope that the goal that both the President and Mr. Gorbachev agreed upon at last year's summit, a 50-percent reduction in strategic nuclear forces, will be achieved. But success in that goal will be incalculably more difficult in an atmosphere of an unconstrained arms race. That will, I fear, be the inevitable consequence if we abandon the agreements we have achieved.

For all the bombast from the political right, we often do not realize what existing arms agreements have accomplished. To comply with the limits established by SALT I and II, the Soviet Union from 1972 to 1985 removed 1,007 land-based ballistic missiles and 233 submarine-based ballistic missiles from the active force and dismantled 13 Yankee class ballistic missile submarines. Since then a 14th Yankee has been retired with another 18 missiles.

Past Soviet practice indicates that these missiles would not have been retired nearly so rapidly in the absence of SALT limits. On the U.S. side, we have removed 320 land-based missiles and 544 SLBM's to remain in compliance, prior to the President's announcement last week.

In the next 5 years, SALT II will require the Soviet Union to remove at least 500 to 600 ballistic missiles and to destroy missile silos equivalent to the number of mobile missiles deployed. On the U.S. side, we would have to remove between 200 and 300 missiles or bombers equipped with cruise missiles as new systems are deployed.

Perhaps most importantly, SALT II limits the number of warheads that the Soviets can place on their largest missiles, the SS-18 and SS-19. Without these limits, the Soviets could add as many as 8,000 ICBM warheads to existing missiles. In addition, the Soviets have at least three warm ICBM production lines to our one. In light of these facts of life, the Soviet potential without SALT II is extremely troubling, and clearly not in our security interest. That has been the consistent position of the Joint Chiefs of Staff. The Soviets have already announced their readiness to exceed the critical numerical limits of SALT if we abandon them.

The President's statement left open some possibility that he may reconsider the abandonment of over a decade of arms control negotiations. Everyone shares his concern over Soviet non-compliance with aspects of the treaties other than the numerical limitations. I agree that we should pursue these concerns in the established forum, the Standing Consultative Commission. I also agree that some proportional response, such as proceeding with our own mobile missile, the Midgetman, is appropriate. But I can not see the wisdom of throwing the baby out with the bath water. I can not support the abandonment of arms control, which is what some in this administration hope to accomplish.

The bill I have introduced will insure that we do not abandon these critical numerical limitations without express congressional approval. Certainly, our constitutional responsibilities dictate that any policy shift of this magnitude have the support of the legislative branch.

I know there are a large number of other Members interested in this issue and I look forward to working closely with them, to support an appropriate legislative vehicle.

AAL RECEIVES VOLUNTARISM AWARD

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, President Reagan has presented the 1986 Volunteer Action Awards. Of the more than 2,300 nominees one of the 19 nationwide winners of the award was an organization I am pleased to represent.

Aid Association for Lutherans of Appleton, WI, was recognized for the mobilization of its volunteers to conduct humanitarian, service, social and education programs in communities all over our Nation.

AAL is a fraternal benefit society providing its members with insurance and fraternal benefits, as well as the opportunity to volunteer their services to their local communities. AAL members engage in fundraising activities as well as engaging in education and service activities.

Accepting the award for AAL was Mary Kohn, who was AAL's fraternalist of the year. Also present with Mary Kohn and her husband Art, was Joanie Johnson, representing AAL's corporate volunteers.

I want to offer my congratulations to AAL and its 1.4 million members for this distinguished award. AAL truly represents the spirit of voluntarism that has made our country great.

PRESIDENT'S AWARD TO NORFOLK NAVAL SHIPYARD

(Mr. SISISKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISISKY. Mr. Speaker, I want to call our attention to the award recently given to Norfolk Naval Shipyard: the Commander in Chief's award for installation excellence. I am proud to represent the shipyard and proud that they won this award.

The yard won the President's award because of its ability to complete ships on time and under budget. The yard handled a 118-percent workload, realized over \$12 million in productivity savings and cost avoidances, and accomplished this while shrinking the shipyard work force by 1,027 through attrition.

Norfolk Naval Shipyard is the oldest naval shipyard in the United States. It has a long and distinguished history dating from before the American Revolution. It has the distinction of having been a shipyard under the British Empire, the United States of

America, and the Confederate States of America.

It was during the latter period that the shipyard outfitted the U.S.S. *Merimac* which became the Confederate State's ironclad *Virginia*. The classic battle between the Confederate ironclad *Virginia* and the U.S. ironclad *Monitor* marked the beginning of modern naval warfare.

Norfolk Naval Shipyard has maintained standards of excellence unmatched by any other naval shipyard. In 1984 they received the U.S. Senate productivity award. In 1981 they received a Navy unit commendation. In 1981, 1982, and 1984 they received the CNM productivity excellence award. In 1981-84 they received Navsea commendations for their equal employment opportunity programs.

In addition to these honors, Norfolk Naval Shipyard has now received Presidential recognition for a "job well done." I think this recognition from the President is well deserved.

I do not know how many of my colleagues have visited Norfolk Naval Shipyard. If you have not, I urge you to do so. You will find thousands of highly skilled, highly dedicated, highly motivated Federal workers fully committed to meeting the national security needs of this Nation.

Sometimes we do not reflect on the contribution these people make to national security. They are our insurance when freedom is threatened; they are a dependable and reliable group of men and women who can accomplish almost any conceivable ship repair task.

In my opinion, this string of awards over the last few years points to one thing: Norfolk Naval Shipyard is the best shipyard in the world. I am pleased to see them receive the kind of recognition they deserve, both as Federal employees and as men and women who protect the national security of the United States.

PRESIDENT SHOULD DECLARE DISASTER IN WESTERN PENNSYLVANIA FLOOD

(Mr. WALGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALGREN. Mr. Speaker, last Friday at 6 o'clock in the evening a wall of water came down Pine Creek and Little Pine Creek in Allegheny County in western Pennsylvania, causing widespread loss of property, and at this point eight known dead and an unconfirmed number of missing.

I call upon the President to act immediately to declare this instance a major Federal disaster.

I have spent the last several days walking through the mud and talking to people who are trying to put their lives back together. One thousand

families had extensive damage in their homes. The municipal facilities, particularly the sewage facilities, have been severely damaged. There is pollution, with the need of tetanus shots and the like.

I cannot emphasize enough how important it is for the Federal Government to be there. Even without limited disaster programs, the importance of being there is so real to these people. It is important that they know that help is available, and only the President can make that designation.

TRUSTING THE SOVIETS WHEN THEY ARE CHEATING IS UNILATERAL DISARMAMENT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, a few moments ago the majority leader accused the administration of unilaterally abrogating the SALT II Treaty. Mr. Speaker, what about the Soviet violations of that treaty. Are those not important? Evidently not.

What a mockery that kind of position makes of the verification of treaties that the political left says that they favor. We have verified that the Soviets are violating SALT II. We know that they are cheating. We know that their cheating is detrimental to our national security. Yet we are told by the majority leader and by others on the political left that those things do not matter. Despite the Soviet cheating, they say, we should continue to abide by the treaties.

If that is what they mean by verification, then what they are really saying is that they are for unilateral disarmament, because trusting the Soviets even when we know that they are cheating is not in any way mutual disarmament, it is pure and simple unilateral disarmament, and that is unacceptable as a policy.

□ 1220

REPRESENTATIVE PEPPER FOR TELEVISIONING HOUSE AND SENATE SINCE 1944

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, I rise to commend the other body for following the good example of this House in televising its proceedings. I know of no reason why the mysterious instrument of television should not carry the proceedings of the Houses of Congress to people in their homes and offices, as well as to people who are fortunate enough to be in the galleries of our bodies and to see and hear what we do in our respective Houses.

I hope, Mr. Speaker, it is not impermissible vanity for an older American to observe that it was I who in 1944 as a Member of the Senate introduced Senate Joint Resolution 145 authorizing the broadcasting of the proceedings of the Senate and the House of Representatives. That was in 1944, and in 1945 I introduced Senate Joint Resolution 55 authorizing the broadcasting of the proceedings of the Senate and the House of Representatives. That was before television.

Finally, in 1947, I introduced in the Senate S. 2213, amending the Legislative Reorganization Act of 1946, as amended, to provide for the broadcasting and televising of the proceedings of the Senate and the House of Representatives.

I commend my colleagues in both Houses of the Congress upon making more effective this great institution of democracy which is at the heart of America.

On March 15, 1977, my distinguished colleague, the gentleman from Texas [Mr. Brooks] made these comments:

In 1944, Claude Pepper was trying to televise the House and Senate. He has been for it ever since.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, June 3, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

At 12:00 p.m. on Friday, May 23, 1986 and
(1) Said to contain a message from the President wherein he transmits the periodic report concerning the national emergency with respect to Iran; and

(2) Said to contain a message from the President whereby he transmits the periodic report concerning the national emergency with respect to Nicaragua; and

At 5:20 p.m. on Friday, May 23, 1986 and
(3) Said to contain a message from the President on cedar shakes and shingles trade decision transmitted pursuant to 19 U.S.C. 2253(b)(1); and

At 3:45 p.m. on Thursday, May 29, 1986 and

(4) Said to contain a message from the President whereby he transmits the seventh annual report describing Federal actions with respect to the conservation and use of petroleum and natural gas in Federal facilities; and

(5) Said to contain a message from the President whereby he transmits the annual report of the Rehabilitation Services Administration for Fiscal Year 1985; and

At 3:40 p.m. on Friday, May 30, 1986 and
(6) Said to contain a message from the President whereby he transmits the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1985.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-227)

The SPEAKER pro tempore (Mr. HUBBARD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of Monday, June 2, 1986, at page 12071.)

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO NICARAGUA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-228)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs, and ordered to be printed:

(For message, see proceedings of the Senate of Monday, June 2, 1986, at page 12072.)

IMPORT RELIEF FOR WESTERN RED CEDAR SHAKES AND SHINGLES INDUSTRY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-229)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of Monday, June 2, 1986, at page 12072.)

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT ON H.R. 4784, D.C. HOMELESS SHELTERS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tonight to file a report on the bill, H.R. 4784.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON CONSERVATION AND USE OF PETROLEUM AND NATURAL GAS AT FEDERAL FACILITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of Monday, June 2, 1986, at page 12073.)

ANNUAL REPORT OF REHABILITATION SERVICES ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of Monday, June 2, 1986, at page 12073.)

ANNUAL REPORT OF CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Tuesday, June 3, 1986.)

PROJECTED REDUCTIONS IN DEFENSE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-230)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Armed Services and the Committee on Foreign Affairs, and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, June 3, 1986.)

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Veterans' Affairs; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 21, 1986.

Hon. THOMAS P. O'NEILL,

The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Section 5004 of title 38, United States Code, requires that the Committees on Veterans' Affairs adopt a resolution approving major medical construction projects and leases of \$500,000 or more proposed by the Veterans' Administration for each fiscal year. The House Committee on Veterans' Affairs met on May 21, 1986, and authorized the construction of various projects in Fiscal Year 1987 by unanimous voice vote.

A copy of the Resolution adopted by the Committee and a listing of the projects authorized are enclosed.

Sincerely yours,

G.V. (SONNY) MONTGOMERY,
Chairman.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 4, 1986.

COMPUTER FRAUD AND ABUSE ACT OF 1986

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4718) to amend title 18, United States Code, to provide additional penalties for fraud and related activities in connection with access devices and computers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Fraud and Abuse Act of 1986".

SEC. 2. SECTION 1030 AMENDMENTS.

(a) MODIFICATION OF DEFINITION OF FINANCIAL INSTITUTION.—Section 1030(a)(2) of title 18, United States Code, is amended—

(1) by striking out "knowingly" and inserting "intentionally" in lieu thereof; and

(2) by striking out "as such terms are defined in the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.),".

(b) MODIFICATION OF EXISTING GOVERNMENT COMPUTERS OFFENSE; USE OF COMPUTER EXCLUSION.—Section 1030(a) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking out "knowingly" and inserting "intentionally" in lieu thereof;

(2) in paragraph (3), by striking out ", or having accessed" and all that follows through "prevents authorized use of, such computer";

(3) in paragraph (3), by striking out "if such computer is operated for or on behalf of the Government of the United States and such conduct affects such operation" and inserting in lieu thereof "if such computer is exclusively for the use of the Government of the United States or, in the case of a computer not exclusively for such use, if such computer is used by or for the Government of the United States and such conduct affects such use"; and

(4) by striking out "It is not an offense" and all that follows through "use of the computer.".

(c) MODIFICATION OF AUTHORIZED ACCESS ASPECT OF OFFENSES.—Paragraphs (1) and (2) of section 1030(a) of title 18, United States Code, are each amended by striking out ", or having accessed" and all that follows through "does not extend" and inserting "or exceeds authorized access" in lieu thereof.

(d) NEW OFFENSES.—Section 1030(a) of title 18, United States Code, is amended by inserting after paragraph (3) the following:

"(4) Knowingly and with intent to defraud, accesses a Federal interest computer without authorization, or exceeds authorized access, and by means of such conduct furthers the intended fraud and obtains anything of value, unless the object of the fraud and the thing obtained consists only of the use of the computer;

"(5) intentionally accesses a Federal interest computer without authorization, and by means of one or more instances of such conduct alters information in that computer, or prevents authorized use of that computer, and thereby causes loss to one or more others of a value aggregating \$1,000 or more during any one year period; or

"(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information through which a computer may be accessed without authorization, if—

"(A) such trafficking affects interstate or foreign commerce; or

"(B) such computer is used by or for the Government of the United States;".

(e) ELIMINATION OF SECTION SPECIFIC CONSPIRACY OFFENSE.—Section 1030(b) of title 18, United States Code, is amended—

(1) by striking out "(1)"; and

(2) by striking out paragraph (2).

(f) PENALTY AMENDMENTS.—Section 1030 of title 18, United States Code, is amended—

(1) by striking out "(b)(1)" and inserting "(b)" in lieu thereof;

(2) by striking out "of not more than the greater of \$10,000" and all that follows through "obtained by the offense" in subsection (c)(1)(A) and inserting "under this title" in lieu thereof;

(3) by striking out "of not more than the greater of \$100,000" and all that follows through "obtained by the offense" in subsection (c)(1)(B) and inserting "under this title" in lieu thereof;

(4) by striking out "or (a)(3)" each place it appears in subsection (c)(2) and inserting ", (a)(3), or (a)(6)" in lieu thereof;

(5) by striking out "of not more than the greater of \$5,000" and all that follows

through "created by the offense" in subsection (c)(2)(A) and inserting "under this title" in lieu thereof;

(6) by striking out "of not more than the greater of \$10,000" and all that follows through "created by the offense" in subsection (c)(2)(B) and inserting "under this title" in lieu thereof;

(7) by striking out "not than" in subsection (c)(2)(B) and inserting "not more than" in lieu thereof;

(8) by striking out the period at the end of subsection (c)(2)(B) and inserting "; and" in lieu thereof; and

(9) by adding at the end of subsection (c) the following:

"(3)(A) a fine under this title or imprisonment for not more than five years, or both, in the case of an offense under subsection (a)(4) or (a)(5) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(4) or (a)(5) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph.".

(g) CONFORMING AMENDMENTS TO DEFINITIONS PROVISION.—Section 1030(e) of title 18, United States Code, is amended—

(1) by striking out the comma after "As used in this section" and inserting a one-em dash in lieu thereof;

(2) by aligning the remaining portion of the subsection so that it is cut in two ems and begins as an indented paragraph, and inserting "(1)" before "the term";

(3) by striking out the period at the end and inserting a semicolon in lieu thereof; and

(4) by adding at the end thereof the following:

"(2) the term 'Federal interest computer' means a computer—

"(A) exclusively for the use of a financial institution or the United States Government, or, in the case of a computer not exclusively for such use, used by or for a financial institution or the United States Government and the conduct constituting the offense affects such use; or

"(B) which is one of two or more computers used in committing the offense, not all of which are located in the same State;

"(3) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States;

"(4) the term 'financial institution' means—

"(A) a bank with deposits insured by the Federal Deposit Insurance Corporation;

"(B) the Federal Reserve or a member of the Federal Reserve including any Federal Reserve Bank;

"(C) an institution with accounts insured by the Federal Savings and Loan Insurance Corporation;

"(D) a credit union with accounts insured by the National Credit Union Administration;

"(E) a member of the Federal home loan bank system and any home loan bank;

"(F) any institution of the Farm Credit System under the Farm Credit Act of 1971; and

"(G) a broker-dealer registered with the Securities and Exchange Commission pursu-

ant to section 15 of the Securities Exchange Act of 1934.

"(5) the term 'financial record' means information derived from any record held by a financial institution pertaining to a customer's relationship with the financial institution; and

"(6) the term 'exceeds authorized access' means to access a computer with authorization and to use such access to obtain or alter information in the computer that the accesser is not entitled to so obtain or alter."

(h) **LAW ENFORCEMENT AND INTELLIGENCE ACTIVITY EXCEPTION.**—Section 1030 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States."

The **SPEAKER pro tempore**. Is a second demanded?

Mr. SHAW. Mr. Speaker, I demand a second.

The **SPEAKER pro tempore**. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER pro tempore**. The gentleman from New Jersey [Mr. HUGHES] will be recognized for 20 minutes and the gentleman from Florida [Mr. SHAW] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have moved to suspend the rules and pass the bill, H.R. 4718, the Computer Fraud and Abuse Act of 1986. It is with great pleasure and satisfaction that I rise in support of the bill before us. It was reported by voice vote by the Committee on the Judiciary on May 6, 1986. It is the culmination of 4 years of bipartisan work in the Congress.

During this thorough investigation it became clear that computer technology has brought us a long way in the past decade. However, computer technology—with all its gains—has left us with a new breed of criminal: The technologically sophisticated criminal who breaks into computerized data files. One element of this expanding group of electronic trespassers—the so-called hacker—is frequently glamorized by the media, perhaps because the image of the hacker is that of a bright, intellectually curious, and rebellious youth—a modern-day Huck Finn. The facts are these young thrill seekers are trespassers, just as much as if they broke a window and crawled into a home while the occupants were away. The hacker of today can become the white-collar crime superstar of tomorrow, and we must not glamorize our Huck Finns into John Dillingers.

While we need to be concerned about youthful hackers, they pale in significance in comparison to the com-

puter sophisticated criminal who combines his technological skill with old-fashioned greed and criminal intent to rob banks or destroy business records or steal trade secrets. The tools of the trade are not Smith and Wesson, but IBM and Apple. However, in today's world of instant electronic transfer of funds, the result can be more far reaching—and harder for law enforcement to reach.

What can be done about these crimes? I believe Government and industry have a dual responsibility: Industry must work to prevent such crimes, and Government must be willing and able to prosecute when crimes occur. The legislation before us, I believe, will go a long way toward fulfilling the responsibility of Congress in this scenario.

At this juncture, I would like to bring special attention to my colleagues who have worked hard and effectively in this endeavor. The first is the gentleman from Florida, Mr. NELSON, who was the first to bring this subject to the attention of the House of Representatives and has been a constant champion and dedicated proponent of this important legislation. Also, the ranking Republican of the Subcommittee on Crime, Mr. McCOLLUM, and Mr. SHAW, who have been invaluable in this bipartisan endeavor. I also would like to thank Senators TRIBLE and LAXALT for their assistance in developing this consensus bill. I appreciate their efforts in shepherding S. 2281, the companion bill to H.R. 4718, in the other body.

As many Members may recall, in the last Congress we enacted computer crime legislation as a part of the conference on the comprehensive crime bill. At the behest of our colleagues in the other body, we deleted from that legislation certain provisions of the House-passed credit card/computer crime bill dealing with felony theft and private-sector offenses involving misuse or damage involving computers. Since that time, both through the hearing process and informal negotiations with interested parties, we have attempted to develop a bill to perfect the existing law and fill the gaps we left as a result of that conference agreement.

The legislation before us today, I believe, will expand in an appropriate but limited manner the types of criminal misconduct involving computers that should be subject to Federal jurisdiction while at the same time leaving to State and local agencies their proper role in this national problem.

In doing so, this bill expands the existing protection of financial records in financial institutions to all customers rather than only to customers who are "individuals" or partnerships consisting of five or fewer partners. The bill would also delete coverage of authorized users of Government comput-

ers from this portion of existing law and make subsection 1030(a)(3) a pure trespass provision. The improper modifications, destructions or disclosures by authorized users of Federal computers however, are presently violations of other laws such as the Privacy Act, trade secrets laws, 18 U.S.C. 1361, et cetera, and there are adequate administrative sanctions that can also be imposed on Federal employees. Government employees also will be subject to the new "intent to defraud" felony offense in 1030(a)(4). This solves a potential problem that the existing law might have a "chilling effect" on "whistleblowers."

The major impact of this bill is in its three new offenses. The first proposes a 5-year felony violation for unauthorized access to a "Federal interest computer" in furtherance of an intent to defraud. These computers are defined as computers used by the Federal Government or by financial institutions, or when the conduct involves computers in different States. The second new offense can be categorized as "a malicious damage" felony violation in regard to Federal interest computers if there is \$1,000 or more in damages.

The last new offense is a misdemeanor provision designed to proscribe the conduct associated with "pirate bulletin boards" used by hackers to display passwords to other persons' computers.

Having worked with experts on computer crime over the past several years, I believe the legislation passed in the last Congress along with the bill now being considered combined—with active efforts of industry to safeguard their property—will address the emergence of the computer criminal in our society.

Protection—both through law and technology—can and must be developed for the intangible property—information—which is the lifeblood of computer systems. Unless we act now to secure the "locks" and provide the laws, computer crime will be the crime wave of the next decade.

□ 1235

It is a good bill, and I would be remiss if I did not thank our staff, Ed O'Connell in particular of the majority staff, and Charlene Heydinger of the minority staff, for their work over the past 6 months in developing this consensus legislation.

It is a good bill. It is a bill that I think will be effective in dealing with the computer criminal.

Mr. Speaker, I reserve the balance of my time.

The **SPEAKER pro tempore**. The gentleman from New Jersey [Mr. HUGHES] has consumed 7 minutes.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like first of all to compliment the chairman of the subcommittee, the gentleman from New Jersey [Mr. HUGHES], as well as the ranking member, the gentleman from Florida [Mr. McCOLLUM] and my friend and colleague, the gentleman from Florida [Mr. NELSON], for the wonderful job that has been done on this bill, and also to add my congratulations to the members of the staff, as the chairman just did.

Mr. Speaker, The bill before us today, H.R. 4718, will send a strong message to Americans that computer crime is unacceptable and will be strictly punished. The current law regarding persons who access computers without authorization is enhanced by the provisions of this new bill.

H.R. 4718 protects Federal computers, bank computers, and computers used in interstate commerce. The bill provides a model for States to be used in developing local computer crime laws that would cover all other computers.

H.R. 4718 compliments current law by making it a crime to access a computer of the Federal Government or a financial institution. Penalties are also established for accessing a computer with intent to defraud the Federal Government, a financial institution, or a computer accessed by a second computer from a different State. Destruction of these computers is also prohibited. Finally, persons who traffic in the passwords used to gain unauthorized access to Federal Government computers will also be committing a crime.

This bill improves existing law and expands its coverage to include other serious computer crime activities. I urge the adoption of H.R. 4718.

Mr. Speaker, I reserve the balance of my time.

Mr. HUGHES. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. I thank the gentleman for yielding time to me.

Mr. Speaker, what a privilege for me to come to this point after years of interest in this subject matter, so that I can take the well of this House to thank the chairman of this subcommittee for his vision in understanding the problem of computer crime and then being able legislatively to do something about it.

The gentleman from New Jersey, the chairman of the subcommittee, is a man of extraordinary talent in the way that he can work in a bipartisan fashion and the way in which he can work with our colleagues in the other body and with the administration, specifically the Department of Justice, in fashioning a piece of legislation that will now flesh out the skeletal structure that was passed in 1984 into a complete piece of legislation that will

become Federal law to address this problem of computer crime.

The gentleman from New Jersey spoke about the fact that we are confronting a new type of criminal today. It is not the kind of criminal who uses the crowbar, but a criminal who uses the computer keyboard, just as much an effective criminal, just as much a person who, in the old Latin term, uses the "mens rea," the criminal intent, and one who can do a great deal more damage than just breaking into the old safes of yesterday, one who can break into national security information, one who can break into the transactions of interstate commerce, one who can break into, indeed, the transactions of international commerce.

So it is a day of joy and happiness for me, after becoming involved with this subject matter 9 years ago when, then a member of the Legislature of the State of Florida, we passed the first computer crime law in the Nation—which then became a model for the other States. Most of the 50 States now have such laws on their books and now, thanks to the gentleman from New Jersey [Mr. HUGHES], the chairman of the subcommittee, and his counterpart in the other body, Senator LAXALT, we will have a law on the Federal books that will give our prosecutors the tools that they need to go after this new, highly sophisticated type of criminal.

I just want to make reference to one other individual, not an individual who is in this body, but to a fellow who was at the time the chairman of the Florida Legislature Criminal Justice Committee, of which I was one of his subcommittee chairmen, who had the vision back in 1977 and 1978 to realize what potential this had for the Nation, and assigned the State legislation to me. His name is Ralph Haben, from Palmetto, FL, who then went on to become the speaker of the Florida House of Representatives. He is the one who had vision and gave me that opportunity to lead that successful legislative effort.

It is a happy day, and I thank the gentleman from New Jersey for his extraordinary leadership.

Today we are concerned with the broad problem of assuring the security and accuracy of computer operations in the financial and business heart of the Nation.

Computer-assisted crime is the way we should refer to this particular type of wrongdoing. But I doubt that the simpler, less accurate term "computer-crime" will disappear from popular reports of the problem.

Nevertheless, what we are talking about is not crimes committed by computers, but crimes committed by people with the assistance of computers. This includes crimes committed by people at a computer keyboard and crimes that take advantage of the ability of computer systems to bypass the human con-

trols that existed in traditional accounting and auditing procedures.

The computer-assisted crime problem poses major difficulties for the future because computers will be increasingly available in our society to assist in whatever work we have to perform, and that means this power tool will be increasingly available for those criminal persons we always seem to have among us.

Computers may not commit crimes—any more than guns commit crimes. But we have to be realistic—there are people who will commit crimes with guns if they are readily available, and there are people who will commit crimes with computers as they become ubiquitous in our society. I doubt, frankly, that we can address the problem of crime by banning either. Americans may not now be as attached to their computers as they are to their guns, but I suspect they will be inseparable before too long.

It has been estimated that there are some 56,000 large general purpose computers and 213,000 smaller business computers in use by American businesses, universities and research organizations. Another 570,000 minicomputers and 2.4 million desktop computers are in use in the private sector.

The Federal Government, particularly the Pentagon and the Bureau of the Census, has many computers—more than 15,000 computers in the entire Federal establishment, including more than 3,000 in the Department of Defense.

I am sure there will be many more computers in government and business, and in our homes and schools, in the years ahead. I have direct experience in my own congressional office where we have a powerful minicomputer—with 256 K of core memory and 60 megabytes of disk memory, a tape drive for backups, and its own emergency power supply.

We were the test site for an advanced computer system designed for congressional correspondence. And our system demonstrates what is happening and will be happening in offices and institutions across the country.

More and more people are learning to use computers as a routine part of their work. In my office, we do not have a single computer operator who would preside over this mysterious new technology like the priest of some powerful but unknowable force.

From the receptionist to the administrative assistant, the computer is a daily working tool in my Washington office. We have also connected our district offices with our in-house computer, so the Florida staff members are able to handle correspondence and casework through the computer. They direct the computer to produce letters, either from standard letters or directly from the keyboard, and these come out in Washington in the daily stream of the letters that makes up a substantial part of a congressional office's daily work. The computer system also handles messages and memoranda back and forth and allows us to create and modify documents in Washington or Florida.

My point is not to talk about computerized office procedures. Rather, I am trying to emphasize—perhaps a little like preaching to the convinced—to emphasize that familiarity with

computers is becoming the common experience of tens of millions of working Americans. And where people work daily with a powerful tool such as a computer, there will be those who go far beyond normal day-to-day use to overstep the boundaries between legitimate and criminal uses of these powerful devices.

It is estimated that there are more than 2 million computer operators, programmers, and technicians in the country. And I think this figure is far too low. It calculates primarily those who have a good deal of training in computer programming and operation, rather than the general use that is now becoming the norm for business and government offices.

Certainly the number of people familiar with computers outside of business and government is growing rapidly. It has been estimated that more than 6 million home computers are in use. This figure will explode in the next few years.

Moreover, these computers will increasingly be interfacing with the data banks of major institutions—banks, to direct the transfer of funds among the customers accounts; department stores, to order merchandise; TV polling operations, to get instant public reaction to public events, and many, many more.

So, granted that computers are becoming widespread in our society: Why should the Federal Government be involved? Why should theft and fraud and property damage be made Federal crimes when they involve computers?

Well, the Federal Government obviously has a direct interest when Federal agency computers are involved. The first electronic computer was designed for the military to calculate artillery trajectories in World War II. The first non-military application—Univac I—was designed on contract for the Bureau of the Census. It cut the time for tabulating the 1950 census from more than 3 years to months—a remarkable achievement for the time. But Univac I was turned over to the Smithsonian as a museum piece in 1962. We have made considerable progress from those first vacuum-tube computers. With microchips, their capacity can virtually be held in your hand today.

The Defense Department has accepted the fact that computers are vulnerable to unauthorized penetration. Pentagon computers are compartmentalized so that a breach of security in one part will not enable an unauthorized person to access more than a small part of the total information in the system. Commercial computer systems have been developing similar defenses against unauthorized users—along with programs to audit use to detect unauthorized use after it occurs.

It is also important that Government make its policy clear—that its computers and the computers systems vital to our national economy are not to be tampered with. This is one of the objectives of the legislation I am co-sponsoring.

Federal legislation to strengthen the powers of Federal prosecutors to bring to justice those who illegally penetrate either the military or the civilian computers of the Federal Government obviously is in order.

Therefore, I urge passage of this legislation sponsored by my friend from New Jersey the chairman of the subcommittee. Enactment of this legislation into law will happily complete

an 8-year effort to give U.S. attorneys a new Federal tool to prosecute this new type of criminal.

Mr. HUGHES. Mr. Speaker, will the gentleman yield to me?

Mr. NELSON of Florida. Certainly. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Speaker, I just want to thank the gentleman. Even though the gentleman is not a member of our Subcommittee on Crime, it was the gentleman from Florida who brought to my attention initially his great concerns over this area of criminal endeavor. I had not been sensitized to the extent of computer crime in this country because corporate America was very hesitant to come forward and tell just exactly what problems they had. They were embarrassed. They did not want to invite additional trespass on their data base. The gentleman from Florida worked extremely hard in the Florida Legislature in developing the model for many States around the country to follow in the area of computer crime.

□ 1245

I want to thank the gentleman for helping us lay the groundwork in the 98th Congress and working with us in this Congress to flush out the additional amendments that were needed to create an extraordinarily effective statute in my judgment. I want to thank the gentleman for that.

Mr. NELSON of Florida. The gentleman is very kind and I thank the gentleman for his leadership.

Mr. RODINO. Mr. Speaker, I rise in support of H.R. 4718, the Computer Fraud and Abuse Act of 1986. H.R. 4718 in general deals with what can be characterized as white collar crimes, which often are neglected both at the Federal and State levels. The prosecution of white collar crime, which silently robs millions of dollars from all of us, must remain in high priority for Federal law enforcement. It is in this perspective we must deal with computer fraud as we attempt to deter the theft of one of our most prized intangible commodities, information.

The Computer Fraud and Abuse Act of 1986 would accomplish this by setting up two new felonies, one involving any fraudulent theft and the other malicious damage of \$1,000 or more caused by unauthorized access to a Federal interest computer. The bill, therefore, covers computers used by the Federal Government or financial institutions, or conduct involving computers in different States. The bill also would proscribe trafficking in computer passwords as a misdemeanor offense. This latter conduct is associated with what is called pirate bulletin boards.

In passing this legislation, I believe the Congress will be providing needed and appropriate protection to our computer resources and, hopefully, decrease future attempts by high technology criminals in our society. A report by a task force on computer crime of the sec-

tion of criminal justice of the American Bar Association stated:

The annual losses incurred as a result of computer crime appear, by any measure, to be enormous. Over 25% (72) of the survey respondents report "known and verifiable losses due to computer crime during the last twelve months." The total annual losses reported by these respondents fall somewhere between \$145 million and \$730 million. Thus, the annual losses per respondent reporting losses could be anywhere from \$2 million to as high as \$10 million. Approximately 28% of the survey respondents reported no available system to monitor or estimate the value of their computer crime losses.

Federal law must keep pace with technology. It is as important today to develop Federal protection for intangible property such as computerized information as it was to develop Federal law to protect tangible assets in interstate commerce in the past. I commend the chairman of the Subcommittee on Crime, Mr. HUGHES, and the ranking subcommittee member, Mr. McCOLLUM, for their fine work on this legislation, and I urge my colleagues to support it.

Mr. SHAW. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HUGHES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 4718, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 4718, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SENTENCING GUIDELINES ACT OF 1986

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4801) to amend section 994 of title 28, United States Code, to clarify certain duties of the U.S. Sentencing Commission, as amended.

The Clerk read as follows:

H.R. 4801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sentencing Guidelines Act of 1986".

SEC. 2. GUIDELINES AND POLICY STATEMENTS.

Section 994 of title 28, United States Code, is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(B) so that subparagraph (C) reads as follows:

"(C) the sentence modification provisions set forth in sections 3563(c), 3564, 3573, and 3582(c) of title 18;" and

(C) by adding after subparagraph (C) the following:

"(D) the fine imposition provisions set forth in section 3572 of title 18; and

(2) so that paragraph (3) of subsection (a) reads as follows:

"(3) guidelines or general policy statements regarding the appropriate use of the provisions for revocation of probation set forth in section 3565 of title 18, and the provisions for modification of the term or conditions of supervised release set forth in section 3583(e) of title 18;" and

(3) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) by designating the second sentence as paragraph (2); and

(C) in that second sentence as so redesignated, by striking out "25 per centum" and inserting in lieu thereof "the greater of 25 percent or 6 months, except that, if the maximum term of the range is 30 years or more, the maximum may be life imprisonment".

The SPEAKER pro tempore. Is a second demanded?

Mr. SHAW. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes, and the gentleman from Florida [Mr. SHAW] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4801 addressed problems in current law that inhibit the U.S. Sentencing Commission from carrying out its statutory mandate. The bill is endorsed by the Sentencing Commission and was reported from the Committee on the Judiciary without opposition.

The first problem that the bill addresses concerns the Sentencing Commission's authority to issue general policy statements about the imposition of fines. Current law authorizes the Commission to issue general policy statements "regarding application of the guidelines or any other aspect of sentencing or sentence implementation . . . including the appropriate use of" several specified sanctions. A fine is not one of the specified sanctions. The silence about fines in current law may encourage litigation in

the future, so H.R. 4801 as reported explicitly authorizes the Sentencing Commission to issue general policy statements about fines.

The bill also addresses two other problems, both arising because of the 25-percent rule in current law. The Sentencing Reform Act provides that if a sentencing guideline promulgated by the Commission calls for a term of imprisonment, the maximum prison term of the guideline cannot exceed the minimum by more than 25 percent of the minimum. This formula creates problems when a guideline involves a short term of imprisonment, on the one hand, or life imprisonment, on the other hand.

At the short end, the 25-percent rule would result in a proliferation of guidelines ranges and make it virtually impossible for the Commission to draw meaningful distinctions among the various guidelines. The Commission needs additional discretion if it is to be able to prevent the development of narrow, impractical guidelines at the short end. H.R. 4801 as reported adopts a recommendation of the Judicial Conference of the United States and gives the Commission greater discretion by providing that the maximum prison term cannot exceed the minimum by more than 25 percent or 6 months, whichever is greater.

At the long end, the problem involves life imprisonment. There is mathematically no way to determine a minimum prison term in a guideline that calls for life imprisonment. As matters now stand, such a guideline must specify life imprisonment as the only punishment. H.R. 4801 as reported gives the Commission greater discretion by providing that if life imprisonment is the maximum of a guideline, the minimum must be at least 30 years imprisonment.

The Sentencing Commission is facing very tight deadlines. The Commission must submit the initial set of sentencing guidelines to Congress by next April 11, and even before then must circulate a draft of those guidelines for public comment. Current law must be changed before the Commission can begin the process of drafting guidelines and policy statements. It is important, therefore, that this legislation be dealt with expeditiously.

Mr. Speaker, the enactment of H.R. 4801 as reported will enable the Sentencing Commission to move forward with its work. The bill, consistently with the philosophy of the Sentencing Reform Act, which established the Sentencing Commission, provides the Commission with limited additional discretion in the drafting of sentencing guidelines and clarifies the authority of the Commission to issue general policy statements about fines. I urge my colleagues to support it.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to my colleague, the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I want to say that I am generally supportive of what the gentleman is trying to do. I think that the 25 percent does cause some problems and I understand from the gentleman's statement that he has just made what he is attempting to do.

I wanted to say that my concern over the past few years with respect to sentencing at virtually all levels in the court system, and especially my concern with respect to sentencing guidelines and the actual sentencing procedure by judges with respect to those people in our society who are defined as "career criminals," loosely defined, admittedly, but nonetheless, those who are repeat offenders, has caused me a great deal of concern.

I believe that there ought to be a due process for everyone in our system and that we ought to try and rehabilitate and those kinds of things, but I also believe, as I am sure the gentleman does, that there comes a time in our court system when we need to recognize that a very small percent of the criminals in this country commit the majority of the violent crimes. Those so-called career criminals who are not able to be rehabilitated need to be kept off the streets.

We have discovered in dozens of different ways and dozens of different jurisdictions that it is increasingly difficult to keep them off the streets. I think that has been the genesis of much of the sentencing reform that has been the product of legislation here in Congress.

I wanted to say that I am very concerned about what is going on in the court system with respect to these career criminals and anything that tightens it up so that when we move these people in with a third or fourth offense, armed robbery, those kinds of things, that we can put these people behind bars and keep them behind bars.

Mr. CONYERS. The Sentencing Commission is in the process of determining that kind of question. We are not really getting into it at this point because we have assigned that onerous task to them.

I am sure they are very sensitive to those, happily few people in our citizenry, who actually require incarceration for the safety of the general community. I want to assure the gentleman that for those people who have been proven incorrigible, I have no problem with recognizing that. At the same time, like the gentleman from North Dakota [Mr. DORGAN], I am not here to deprive them of any of the legal rights to which they are afforded, but the fact still remains that if they are indeed proven incorrigible, if

they maintain continued patterns of criminal conduct that is completely recidivist, they do pose a much different and more serious kind of problem and one that I think the criminal justice system has been looking at more carefully.

We have begun to isolate out a number of people that, unfortunately, fit this kind of characterization, but I do hope that we will recognize that for the great majority of people who come into the criminal justice process, this probably will not occur. I am only thankful that the Sentencing Commission, and not me or you, has to sit around and try to figure that kind of thing out.

Mr. DORGAN of North Dakota. Mr. Speaker, the point I was trying to make is that a minority of the criminals in this country are conducting or committing a majority of the violent crimes, and the criminal justice system has seemed to be unable to cope with describing who those folks are, moving them off the streets into the prisons and keeping them there.

I think there are some State governments that have offered some good leadership here. The State of Minnesota, the State of Washington and others have begun to develop some grid systems which is the basis of what the Commission is going to do that describes that if you commit a certain kind of crime and it is the first offense, there is a different recommendation for sentencing.

□ 1255

If you commit the third felony, and it is a serious third felony, with a gun, that we ought to treat that criminal much differently and impose a different kind of sentence on that criminal, because society cannot be safe without some assurance that the criminal justice system deals appropriately with those folks.

I have seen myself instance after instance of people who have not been able to be dealt with by the current system; who commit the crime, go to prison, get out; commit the crime, the next time they get probation; commit the crime, get probation again; commit another crime, go to prison for a few months.

The fact is the system has not been able to deal with this career criminal business as effectively as it should, and I think that is what the sentencing guidelines will finally get at, by developing this grid system.

I want to say again that what the gentleman is recommending in this legislation is good; and I support it. I just wanted to raise those concerns that I have about the so-called career criminals and our inability to deal with them at this point.

Mr. CONYERS. The gentleman should be pleased to learn that the guidelines used in Minnesota and

Washington and Pennsylvania were not only studied carefully, but some of that was used in the framework that has formed the guideline system that the U.S. Sentencing Commission is using.

I know that in the gentleman's State, this is probably not nearly the kind of problem that it is in more urban areas, where crime, violent crime, this kind of criminal activity is far more serious.

So I appreciate his concerns, as a member of the national legislature, that joins with us in working out these problems.

Mr. DORGAN of North Dakota. I thank the gentleman.

Mr. CONYERS. Mr. Speaker, the Sentencing Commission is still in the beginning of its work; it is far from through. So I would like to invite my colleague to stay apprised of what it is doing. Our subcommittee plans to have oversight hearings in which we invite not only the Chairman of the Sentencing Commission, but the entire Commission itself to discuss its work with us and the problems that they have encountered and anything else that they would like to share with us.

So Congress has not turned the baby and the bath water over to an independent agency. We are all working together very much, and I can report to this body that the Chairman and the members of the Commission have demonstrated a great sense of cooperation with the subcommittee on this matter.

Mr. DORGAN of North Dakota. I think this is very important work, and I thank the gentleman from Michigan [Mr. CONYERS] for his efforts.

Mr. HUGHES. Will the gentleman yield?

Mr. CONYERS. I yield to the chairman of the Crime Subcommittee, the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. I just want to say to my colleague that the Subcommittee on Crime, which I chair, just reported out a career criminal bill which broadens the predicate offenses that we passed in the 98th Congress.

As you may recall, we dealt in the 98th Congress with two classes of criminals; burglars and robbers, three-time losers caught with a weapon, which provided a Federal response where requested by State authorities.

We are broadening that, the predicate offenses, to include high-level drug traffickers, violent offenders, persons engaging in trafficking in explosives, arson, extortion offenses. So it is going to be a much broader predicate offense, and it sends a signal to the career criminals that "if you get caught with three convictions, and in fact you possess a weapon, that you're going to jail for 15 years, minimum, mandatory."

Mr. DORGAN of North Dakota. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman.

Mr. DORGAN of North Dakota. Mr. Speaker, I have cosponsored that legislation; I think it is excellent legislation and I am happy that it is being reported out.

Mr. HUGHES. If the gentleman will yield further, it came out of the subcommittee, unanimously, before our Memorial Day recess, and I expect to take it to the full committee hopefully in the next couple weeks.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4801.

H.R. 4801, reported by the House Judiciary Committee without dissent on May 20, makes changes in current law necessary to facilitate the drafting of workable guidelines by the Sentencing Commission established as a part of the Comprehensive Crime Control Act of 1984.

Recognizing the importance of workable guidelines, Congress has been extraordinarily cooperative in taking action requested by the Sentencing Commission and that cooperation should extend to H.R. 4801. Moreover, since the guidelines must be promulgated by April 1987, we must act with dispatch.

Most significantly, H.R. 4801 gives the Commission greater latitude in the guidelines that it promulgates. Under current law, the range between the maximum and minimum of a specific guideline cannot vary by more than 25 percent of the minimum. Although this requirement was intended to prevent inordinately wide ranges, guidelines at the lower end would have ranges that are too narrow. H.R. 4801 rectifies this problem by permitting the Commission to issue guidelines that vary by 25 percent or 6 months, whichever is greater.

The Chairman of the Sentencing Commission, Judge William Wilkins, indicated in testimony before the Judiciary Committee that the Commission will rarely issue a guideline that contains such a wide variation; but he emphasized that such discretion would greatly facilitate the Commission's work.

On the other hand, H.R. 4801 requires that if a guideline range is issued for life imprisonment as a maximum, the minimum can be no less than 30 years. Under current law there is effectively no minimum.

The Department of Justice favors legislation previously passed by the Senate (S. 1236) containing a somewhat narrower range than H.R. 4801. The differences between these two

bills are not substantial and can easily be resolved, but favorable action now by this House will hasten this resolution.

Mr. Speaker, I urge the adoption of H.R. 4801.

Mr. RODINO. Mr. Speaker, H.R. 4801 will make it possible for the U.S. Sentencing Commission more effectively to carry out its mandate. I urge my colleagues to vote for the bill.

The Sentencing Reform Act of 1984 made significant changes in the Federal sentencing system. The act gave Federal judges greater formal control over the punishment meted out to Federal offenders by eliminating parole and greatly reducing the amount of good time credit an offender could earn while in prison.

Other provisions of the Sentencing Reform Act, however, reduced judicial control over the punishment. The act requires a judge to impose a sentence authorized by the applicable sentencing guideline and permits the judge to go outside of that guideline only if the judge finds that there is present in the case an aggravating or mitigating circumstance that was not adequately considered when the guideline was formulated and that should lead to a sentence other than that called for in the guidelines. The judge, moreover, is not encouraged to impose a sentence other than one authorized by the guideline. If the judge does go outside the guideline, the aggrieved party—the defendant if the sentence is more severe than that called for by the guideline; the prosecution if the sentence is more lenient than that called for by the guideline—is entitled to appeal.

The Sentencing Reform Act, therefore, vests most of the sentencing discretion in the Sentencing Commission, the body responsible for drafting sentencing guidelines. The Commission is an independent agency within the judicial branch composed of seven voting members appointed by the President with the advice and consent of the Senate. In addition, the Chairman of the U.S. Parole Commission is an ex officio, nonvoting member, as is the Attorney General or someone designated by the Attorney General.

The Commission has considerable discretion to develop such guidelines as it considers appropriate. There are, however, limitations on the Commission's discretion. Thus, the Sentencing Reform Act requires that the guidelines be based on at least two factors—of offense severity and offender characteristics. The act also sets up a 25-percent rule, requiring that if a guideline calls for a range of prison terms, the maximum of the range cannot exceed the minimum by more than 25 percent.

It is this 25-percent rule that creates two serious obstacles to the Sentencing Commission's drafting of sentencing guidelines. At the short end, the 25-percent rule requires numerous narrow guidelines. As U.S. District Judge William W. Wilkins, the Chairman of the Sentencing Commission has noted, such guidelines are impractical and "would not only unduly restrict the discretion of the sentencing judge but also would undoubtedly encourage many defendants charged with petty offenses to stand trial rather than plead guilty."

The 25-percent rule also creates a problem if a guideline authorizes life imprisonment, for

there is mathematically no way to determine what life imprisonment is 25 percent more than. As matters now stand, the Commission must make life imprisonment the only punishment in a guideline.

U.S. District Judge William W. Wilkins, the Chairman of the Sentencing Commission, notified me of these two problems, as well as a problem related to the Commission's authority to issue general policy statements about the imposition of fines. After reviewing the issues, I introduced H.R. 4801 to resolve the problems. The bill explicitly authorizes the Commission to issue policy statements about fine imposition, and it modifies the 25-percent rule. As reported by the Committee on the Judiciary, the bill provides that the maximum prison term of a guideline cannot exceed the minimum by more than the greater of 25 percent or 6 months, except that if the minimum is 30 years imprisonment or more, the maximum may be life imprisonment.

Mr. Speaker, the Judiciary Committee has attempted to assist the Sentencing Commission in its work. To that end, the Judiciary Committee last year drafted and secured the prompt enactment of legislation that expedited the appointment of members of the Commission and permitted the submission to Congress of the Commission's initial budget request. Earlier this year, the Commission requested additional time in which to submit the initial set of sentencing guidelines to Congress in order to restore the time lost between the enactment of the Sentencing Reform Act and the appointment of the members of the Commission, a period of almost 1 year exactly. The House Judiciary Committee responded promptly to this request and secured the enactment of legislation giving the Commission an additional year.

The bill before us also responds to the needs of the Commission and to its request for changes in the Sentencing Reform Act. The bill is endorsed by the Commission, and I urge my colleagues to support it.

Mr. SHAW. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 4801, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4801, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROTECTING TROPICAL FORESTS IN DEVELOPING COUNTRIES

Mr. YATRON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2957) to amend the Foreign Assistance Act of 1961 to protect tropical forests in developing countries, as amended.

The Clerk read as follows:

H.R. 2957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 1 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating section 118 (22 U.S.C. 2151p) as section 117;

(2) by striking out subsection (d) of that section; and

(3) by inserting after that section the following new section 118:

"SEC. 118. TROPICAL FORESTS.

"(a) IMPORTANCE OF FORESTS AND TREE COVER.—In enacting section 103(b)(3) of this Act the Congress recognized the importance of forests and tree cover to the developing countries. The Congress is particularly concerned about the continuing and accelerating alteration, destruction, and loss of tropical forests in developing countries, which pose a serious threat to development and the environment. Tropical forest destruction and loss—

"(1) result in shortages of wood, especially wood for fuel; loss of biologically productive wetlands; siltation of lakes, reservoirs, and irrigation systems; floods; destruction of indigenous peoples; extinction of plant and animal species; reduced capacity for food production; and loss of genetic resources; and

"(2) can result in decertification and destabilization of the earth's climate.

Properly managed tropical forests provide a sustained flow of resources essential to the economic growth of developing countries, as well as genetic resources of value to developed and developing countries alike.

"(b) PRIORITIES.—The concerns expressed in subsection (a) and the recommendations of the United States Interagency Task Force on Tropical Forests shall be given high priority by the President—

"(1) in formulating and carrying out programs and policies with respect to developing countries, including those relating to bilateral and multilateral assistance and those relating to private sector activities; and

"(2) in seeking opportunities to coordinate public and private development and investment activities which affect forests in developing countries.

"(c) ASSISTANCE TO DEVELOPING COUNTRIES.—In providing assistance to developing countries, the President shall do the following:

"(1) Place a high priority on conservation and sustainable management of tropical forests.

"(2) To the fullest extent feasible, engage in dialogues and exchanges of information with recipient countries—

"(A) which stress the importance of conserving and sustainability managing forest resources for the long-term economic benefit of those countries, as well as the irreversible losses associated with forest destruction, and

"(B) which identify and focus on policies of those countries which directly or indirectly contribute to deforestation.

"(3) To the fullest extent feasible, support projects and activities—

"(A) which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and

"(B) which help developing countries identify and implement alternatives to colonizing forested areas.

"(4) To the fullest extent feasible, support training programs, educational efforts, and the establishment or strengthening of institutions which increase the capacity of developing countries to formulate forest policies, engage in relevant land-use planning, and otherwise improve the management of their forests.

"(5) To the fullest extent feasible, help end destructive slash-and-burn agriculture by supporting stable and productive farming practices in areas already cleared or degraded and on lands which inevitably will be settled, with special emphasis on demonstrating the feasibility of agroforestry and other techniques which use technologies and methods suited to the local environment and traditional agricultural techniques and feature close consultation with and involvement of local people.

"(6) To the fullest extent feasible, help conserve forests which have not yet been degraded, by helping to increase production on lands already cleared or degraded through support of reforestation, fuelwood, and other sustainable forestry projects and practices, making sure that local people are involved at all stages of project design and implementation.

"(7) To the fullest extent feasible, support projects and other activities to conserve forested watersheds and rehabilitate those which have been deforested, making sure that local people are involved at all stages of project design and implementation.

"(8) To the fullest extent feasible, support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing, including reforestation, soil conservation, and other activities to rehabilitate degraded forest lands.

"(9) To the fullest extent feasible, support research to expand knowledge of tropical forests and identify alternatives which will prevent forest destruction, loss, or degradation, including research in agroforestry, sustainable management of natural forests, small-scale farms and gardens, small-scale animal husbandry, wider application of adopted traditional practices, and suitable crops and crop combinations.

"(10) To the fullest extent feasible, conserve biological diversity in forest areas by—

"(A) supporting and cooperating with United States Government agencies, other donors (both bilateral and multilateral), and other appropriate governmental, intergovernmental, and nongovernmental organizations in efforts to identify, establish, and maintain a representative network of protected tropical forest ecosystems on a worldwide basis;

"(B) whenever appropriate, making the establishment of protected areas a condition of support for activities involving forest clearance or degradation; and

"(C) helping developing countries identify tropical forest ecosystems and species in need of protection and establish and maintain appropriate protected areas.

"(11) To the fullest extent feasible, engage in efforts to increase the awareness

of United States Government agencies and other donors, both bilateral and multilateral, of the immediate and long-term value of tropical forests.

"(12) To the fullest extent feasible, utilize the resources and abilities of all relevant United States Government agencies.

"(13) Require that any program or project under this chapter significantly affecting tropical forests (including projects involving the planting of exotic plant species)—

"(A) be based upon careful analysis of the alternatives available to achieve the best sustainable use of the land, and

"(B) take full account of the environmental impacts of the proposed activities on biological diversity.

as provided for in the environmental procedures of the Agency for International Development.

"(14) Deny assistance under this chapter for—

"(A) the procurement or use of logging equipment, unless an environmental assessment indicates that all timber harvesting operations involved will be conducted in an environmentally sound manner which minimizes forest destruction and that the proposed activity will produce positive economic benefits and sustainable forest management systems; and

"(B) actions which significantly degrade national parks or similar protected areas which contain tropical forests or introduce exotic plants or animals into such areas.

"(15) Deny assistance under this chapter for the following activities unless an environmental assessment indicates that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and will be conducted in an environmentally sound manner which supports sustainable development:

"(A) Activities which would result in the conversion of forest lands to the rearing of livestock.

"(B) The construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undegraded forest lands.

"(C) The colonization of forest lands.

"(D) The construction of dams or other water control structures which flood relatively undegraded forest lands.

"(d) PVOs and OTHER NONGOVERNMENTAL ORGANIZATIONS.—Whenever feasible, the President shall accomplish the objectives of this section through projects managed by private and voluntary organizations or international, regional, or national nongovernmental organizations which are active in the region or country where the project is located.

"(e) COUNTRY ANALYSIS REQUIREMENTS.—Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of—

"(1) the actions necessary in that country to achieve conservation and sustainable management of tropical forests, and

"(2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.

"(f) ANNUAL REPORT.—Each annual report required by section 634(a) of this Act shall include a report on the implementation of this section."

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 10, 1985, I introduced H.R. 2957 to address one of the most critical environmental issues facing humankind today, tropical deforestation. This bill was an outgrowth of extensive hearings that the Subcommittee on Human Rights and International Organizations, which I chair, conducted on this issue. The bill, as amended, was unanimously adopted by both the subcommittee and the full Foreign Affairs Committee. The subcommittee action occurred on October 3, with the full committee acting on December 11, 1985.

I want to thank the ranking member of the subcommittee, Mr. SOLOMON, for his valuable contribution to the bill. I also want to commend Congressman DANTE FASCELL, Foreign Affairs Committee chairman, and Congressman DON BONKER, my predecessor on the subcommittee, for their outstanding leadership on international environment issues. I also want to commend the gentleman from Michigan [Mr. BROOMFIELD] for his strong support.

Mr. Speaker, every year an area approximately the size of Pennsylvania is deforested. If this loss is not arrested, the consequences for both developed and developing nations could be catastrophic. Tropical forests are an essential source of food, medicines, and other basic necessities for millions of people. Forests also help maintain soil quality, limit soil erosion, preserve climatic stability, modulate seasonal flooding, stabilize hillsides, and protect marine resources. They also contain two-thirds of the world's approximately 4.5 million plant and animal species. The devastating effects of deforestation are tragically displayed in the horrors of the African famine.

Clearly, forests are vital to the continued economic improvement of developing countries. They are also becoming increasingly important to the economic and military security of the industrialized societies, especially our own. The basic thrust of H.R. 2957 is to enhance the capabilities of developing countries to manage these forests wisely for sustained growth. It builds on and strengthens existing law, section 118 of the Foreign Assistance Act, which declares the importance of tropical forests and mandates Presidential action. It seeks to ensure that the protection of forest resources throughout the world remains a high national priority.

More specifically, H.R. 2957 calls for a greater effort in U.S. assistance to developing nations to increase policy dialog, education, training, research, information exchange, institution building, and the involvement of the local population to limit deforestation and encourage conservation. The measure also seeks to increase international cooperation, and improve coordination with nongovernmental organizations. The bill also urges the denial of funds for projects which significantly degrade tropical forests.

H.R. 2957 does not authorize new funding, is noncontroversial, and bipartisan. It is cosponsored by over 55 of our House colleagues of both parties. Companion legislation has been introduced in the Senate.

In addition, the subcommittee has worked closely with the administration on this measure and I offered amendments in both the subcommittee and committee markup incorporating many of its views.

Mr. Speaker, I believe that this measure constitutes a reasonably modest, but significant approach to deal with a pressing international environmental problem and I think it merits the support of the House.

□ 1305

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, which I support, seeks to address a problem in Third World countries with growing global implications: The indiscriminate and uncontrolled destruction of forests.

Each year, large areas of the Third World are stripped of their forest cover. The resultant environmental damage threatens to wreak havoc on the ecosystem. Moreover, the destruction of forests is part of a vicious cycle in which millions of people are denied the hope of a better life.

Grinding poverty reduces large numbers of people to subsistence living that discourages orderly farming and conservation methods from being implemented. As the land is stripped of its vegetation, soil and other resources, the people are forced to migrate into new areas where the same destructive cycle starts again.

Ethiopia is a vivid example. It is a country about three times larger than California. At the turn of the century, fully 40 percent of Ethiopia was covered by forests. Today, only 4 percent retains its forest cover, and we know what this had led to.

This bill will not solve the problem, but it does direct our foreign aid toward necessary field programs in agroforestry research and development. Moreover, it parallels ongoing efforts to encourage reform and re-

structuring of agricultural policies and practices in Third World countries.

I understand that this bill is very similar to the guidance the Administrator of the Agency for International Development [AID] sent to aid field missions.

The bill outlines certain actions expected of the President in helping developing countries to protect tropical forests. These include exchanges of information, support for training and educational efforts, conservation of forest resources, and aid in ending destructive agricultural policies.

I want to thank the sponsors for their excellent work. I was particularly pleased with the helpful contributions of the gentleman from New York [Mr. SOLOMON] during committee consideration of this bill. I urge my colleagues to support this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I rise to support H.R. 2957, protection of tropical forests in developing countries, one of the two measures concerning international environmental protection which are under consideration by the House today.

I would like to commend Hon. GUS YATRON, chairman of the Subcommittee on Human Rights and International Organizations, for the thoughtful attention the subcommittee under his leadership has given to international environmental issues. He and Hon. GERRY SOLOMON, ranking minority member of the subcommittee, have been leaders in this Congress in recognizing that successful development efforts around the world must take into consideration the impact expanding economic development has on the environment. I would also like to commend Hon. BILL BROOMFIELD, ranking minority member of the committee for his support and assistance, and Hon. DON BONKER, who for many years has worked to educate us on the importance of international environmental protection measures such as the ones before us today.

The legislation before the House today is directed specifically to development activities undertaken by the U.S. Agency for International Development. AID is already generally considered as the most responsible development organization in focusing on environmental concerns, and these bills will strengthen further AID's mandate to ensure environmentally sound development and to help developing countries build the expertise needed to safeguard their forests and develop appropriate wildlife protection programs.

H.R. 2957 would enhance our efforts to preserve one of the Earth's most valuable resources, our tropical forests. Forests are an essential source of raw materials; they help to protect our climate; they contribute to maintaining soil and water quality necessary for agricul-

tural production. They are also critical ingredients for economic growth in developing nations. H.R. 2957, which the Committee on Foreign Affairs adopted unanimously, is an important step to ensure that progress is made in reducing the loss of tropical forests.

I urge my colleagues to support H.R. 2957, to protect tropical forests in developing countries.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and pass the bill, H.R. 2957, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROTECTING BIOLOGICAL DIVERSITY IN DEVELOPING COUNTRIES

Mr. YATRON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2958) to amend the Foreign Assistance Act of 1961 to protect biological diversity in developing countries, as amended.

The Clerk read as follows:

H.R. 2958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 119 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151q) is amended by striking out subsections (c) and (d) and inserting in lieu thereof the following:

“(c) FUNDING LEVELS.—For each fiscal year beginning with fiscal year 1987, not less than \$10,000,000 of the funds available to carry out this part (excluding funds made available to carry out section 104(c)(2), relating to the Child Survival Fund) shall be allocated for assistance pursuant to subsection (b) for activities which were not funded prior to fiscal year 1987. In addition, the Agency for International Development shall, to the fullest extent possible, continue and increase assistance pursuant to subsection (b) for activities for which assistance was provided in fiscal years prior to fiscal year 1987.

“(d) COUNTRY ANALYSIS REQUIREMENTS.—Each country development strategy state-

ment or other country plan prepared by the Agency for International Development shall include an analysis of—

"(1) the actions necessary in that country to conserve biological diversity, and

"(2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.

"(c) **LOCAL INVOLVEMENT.**—To the fullest extent possible, projects supported under this section shall include close consultation with and involvement of local people at all stages of design and implementation.

"(f) **PVOs AND OTHER NONGOVERNMENTAL ORGANIZATIONS.**—Whenever feasible, the objectives of this section shall be accomplished through projects managed by appropriate private and voluntary organizations, or international, regional, or national nongovernmental organizations, which are active in the region or country where the project is located. For each fiscal year beginning with fiscal year 1987, the Agency for International Development shall allocate not less than \$3,000,000 of the funds made available for assistance pursuant to subsection (b) for projects managed by such organizations.

"(g) **ACTIONS BY AID.**—The Administrator of the Agency for International Development shall—

"(1) cooperate with appropriate international organizations, both governmental and nongovernmental;

"(2) look to the World Conservation Strategy as an overall guide for actions to conserve biological diversity;

"(3) engage in dialogues and exchanges of information with recipient countries which stress the importance of conserving biological diversity for the long-term economic benefit of those countries and which identify and focus on policies of those countries which directly or indirectly contribute to loss of biological diversity;

"(4) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity;

"(5) whenever possible, enter into long-term agreements in which the recipient country agrees to protect ecosystems or other wildlife habitats recommended for protection by relevant governmental or nongovernmental organizations or as a result of activities undertaken pursuant to paragraph (6), and the United States agrees to provide additional assistance necessary for the establishment and maintenance of such protected areas;

"(6) support, as necessary and in cooperation with the appropriate governmental and nongovernmental organizations, efforts to identify and survey ecosystems in recipient countries worthy of protection;

"(7) cooperate with and support the relevant efforts of other agencies of the United States Government, including the United States Fish and Wildlife Service, the National Park Service, the Forest Service, and the Peace Corps;

"(8) review the Agency's environmental regulations and revise them as necessary to ensure that ongoing and proposed actions by the Agency do not inadvertently endanger wildlife species or their critical habitats, harm protected areas, or have other adverse impacts on biological diversity (and shall report to the Congress within a year after the date of enactment of this paragraph on the actions taken pursuant to this paragraph);

"(9) ensure that environmental profiles sponsored by the Agency include informa-

tion needed for conservation of biological diversity; and

"(10) deny any direct or indirect assistance under this chapter for actions which significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas.

"(h) **ANNUAL REPORTS.**—Each annual report required by section 634(a) of this Act shall include, in a separate volume, a report on the implementation of this section."

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2958 is similar to H.R. 2957, as it deals with a compelling international environmental issue, biological diversity. I introduced the measure in tandem with H.R. 2958 and it was unanimously approved, as amended, by the Subcommittee on Human Rights and International Organizations and the Foreign Affairs Committee October 3 and December 11, respectively. I also want to thank and commend Mr. SOLOMON, Chairman FASCELL, Mr. BONKER, and Mr. BROOMFIELD for their efforts on this measure as well.

Biological diversity, the preservation of Earth's myriad life forms and ecosystems, is related to tropical deforestation but is more comprehensive in scope. While the effects of wildlife loss parallel those of deforestation, the implications can be even more severe for the developed world. Scientists estimate that by the year 2000, as many as 2 million species may be lost forever. The United States is becoming increasingly dependent on these diverse species for new medicines, food sources, and a host of critical industrial products. For example, our corn crop has been helped by the increased resistance to disease provided by crossing with Mexican wild grasses. The tropical periwinkle plant is important to the treatment of leukemia and other forms of cancer.

Yet wild species of plants and animals are being lost in the world's developing nations faster than they can be identified or discovered, much less tested for their value to man. Unfortunately, that destruction is often aided by policies or funds from the United States. The developing country loses a valuable source of revenue, increasing demands for U.S. foreign assistance, and the world loses a potential medical, industrial or agricultural breakthrough.

H.R. 2958 is a product of extensive subcommittee hearings and builds on and strengthens existing law, section 119 of the Foreign Assistance Act,

which authorized the President to provide assistance to developing countries to help them maintain and protect valuable wildlife resources. The basic thrust of H.R. 2957 is to enhance the capabilities of developing countries to manage wildlife resources wisely for sustained growth. The bill does not dictate any solution, but endeavors to help developing nations help themselves on this matter.

H.R. 2958 urges the President, when providing assistance to developing countries, to increase policy dialog, education, training, research, information exchange, institution building, and the involvement of the local population to protect wildlife habitats and develop sound wildlife management and conservation programs. The measure also seeks to increase international cooperation, improve coordination with non-governmental organizations and prevent ongoing or future aid projects from destroying valuable plant and animal resources.

H.R. 2958 does not authorize new funding, is noncontroversial, and bipartisan. It is cosponsored by over 55 of our House colleagues of both parties and companion legislation has been introduced in the Senate. The subcommittee has worked to accommodate administration views on the bill and this amended version is the product of our cooperation.

Mr. Speaker, I believe that H.R. 2958 is a reasonable, modest, but significant approach to arrest the loss of wildlife resources, to promote the prospects of sustained growth in the developing world and to preserve the industrialized base and military security of developed nations. I think the bill merits the support of the House and I strongly appeal for its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania has very ably described the legislation under consideration.

Mr. Speaker, this bill, which I support, is aimed at developing a U.S. strategy for the preservation of "biological diversity" in the Third World. The concept of biological diversity embraces individual species of plants and animals as well as ecosystems in general.

Maintaining biological diversity has been an important objective for human endeavor through the centuries. Genetic resources have often provided new foods, medicines, and energy sources to meet human needs. Scientists estimate that if present trends continue, as many as 2 million distinct life forms may be lost forever by the year 2000. The primary culprit in this process has been inappropriate development and agricultural schemes

pursued in Third World countries. Poor policies have resulted in the widespread destruction of natural habitats needed to sustain plant and animal life.

This bill will not solve the problem—but it will serve to initiate a process of consultation and coordination between our Government and the governments of Third World countries as they seek to deal with this most difficult problem.

This important bill would earmark \$10 million in already authorized funds for new programs for the protection and maintenance of wildlife habitats and in developing sound wildlife management and plant conservation efforts.

In addition, the bill would require the Administrator of the Agency for International Development [AID] to cooperate with international organizations in efforts to protect biological diversity. The AID Administrator would also be required to engage in dialog and exchanges of information with recipient countries and, whenever possible, to enter into long-term agreements with those countries to protect ecosystems or other wildlife habitats.

I would like to commend the bill's sponsors and the gentleman from New York [Mr. SOLOMON] who so ably guided this measure through the Foreign Affairs Committee during its deliberation on the matter. I urge my colleagues to support the legislation before us.

Mr. SEIBERLING. Mr. Speaker, I rise in support of H.R. 2957 and H.R. 2958, two bills whose passage is critical if we are to slow down and reverse the tragic deforestation and destruction of biological diversity in Third World countries.

Neither bill authorizes new spending. Rather they direct the President to adopt policies of lending and spending by U.S. agencies that favor conservation of tropical forest resources which are essential to the economic as well as ecological well-being of these developing countries.

For example, H.R. 2957 would, among other things, require the President to deny assistance for development projects that would remove forest land unless they "contribute to the livelihood of the rural poor" and do so in the least harmful environmental manner.

H.R. 2958 provides that, beginning in 1987, the Agency for International Development [AID] must earmark \$10 million of its assistance funds for conservation of biological diversity, of which \$3 million must go to private, voluntary, and nongovernmental organizations.

If anything, the proposals are too modest. I have just returned from Central America where I led a congressional delegation to look at these very problems. In Costa Rica, we saw perhaps the most enlightened country in terms of environmental policy. In barely 15 years, that small democracy has set aside some 10 percent of its national surface in national parks, wildlife refuges and other protected areas. Yet deforestation in the other 90 percent is continuing at such a pace that in 20

years, Costa Rica may have to make a decision whether to import lumber or start cutting in the sanctuaries.

Virtually all deforestation in that country, and elsewhere in Central America and the tropics, means ultimately the conversion of vibrant, genetically diverse forests to low-production, single-use pasturelands. We flew over large areas of new pasturelands and were struck by the small number of very poor quality cattle now occupying them. In destroying their forests, mainly through burning, peasants are literally destroying their own food base as well as habitat for innumerable species of wildlife. Certain species of what we consider American songbirds are already starting to diminish because of destruction of their winter habitat in Central and South America.

In Panama, we witnessed the accelerating deforestation of the watershed that supplies Gatun Lake, and through it the Panama Canal, with its lifeline of clean water. Each time a ship goes through a lock, 2.8 million gallons of water flow out of the lake. Because of the deforestation, siltation is increasing in the lake and its tributaries. Local experts advised us that if the destruction of forests in the watershed continues at the present rate, within 20 years the silted up lake will no longer hold sufficient water to support operation of the Canal! The Panama Canal Commission is already spending \$40 million per year in dredging. Belatedly, AID has entered into an agreement with the Panamanian Government to help fund a possible solution to the problem. Much remains to be done, however, to protect Panama's forests from the slash and burn agriculture which is increasing at an alarming rate.

As for the issue of biological diversity, let me cite a single observation on the trip. We witnessed the workings of the leafcutter ant. This insect swarms the forest gathering snippets of leaves which it stores below ground as a base for a fungus. The fungus is its sole food. Scientists have discovered that the ant avoids certain leaves; they are now trying to determine whether the rejected leaves contain a natural fungicide. If such a fungicide can be isolated, it could have enormous benefits as a medicine for humans and animals. H.R. 2958 would make it possible to explore many such possibilities by preserving genetic diversity.

Mr. Speaker, the two bills before us represent a modest beginning in reorienting administration policies with regard to international programs. We learned that moneys available to AID in the two countries we visited amount to tens of millions of dollars whereas expenditures by conservation agencies, such as the National Park Service and the U.S. Fish and Wildlife Service, amount to mere thousands. The Fish and Wildlife Service, for example, is funding a valuable Masters Degree Program for Latin American conservationists at the National University in Costa Rica. The money available to the agency for this purpose is only \$50,000 annually, yet this program will provide the first such training within Central and South America.

It is time to correct the imbalance. These bills are a good start. We need also to bring U.S. conservation agencies more vigorously to the fore. They have the expertise which is badly needed in Third World countries; their

involvement is also badly needed in helping to implement U.S. policies toward these countries which will ultimately benefit all of us.

I commend the chairman of the International Organizations Subcommittee, Mr. YATRON, for his leadership in developing these very important measures. I am pleased to support their passage.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and pass the bill, H.R. 2958, as amended.

Mr. FASCELL. Mr. Speaker, I also rise in support of H.R. 2958, for the protection of biological diversity in developing countries, and commend Mr. YATRON, the sponsor of this legislation, as well as Mr. BROOMFIELD, Mr. SOLOMON, and Mr. BONKER for their efforts on this issue.

Biological diversity involves the preservation of plant and animal species. We know that large numbers of species, many of whose potential contribution to human well-being has not even yet been explored, are being lost as habitats are destroyed in developing countries.

H.R. 2958 strengthens the mandate of the Agency for International Development to protect biological diversity in developing countries through protection and maintenance of wildlife habitats and support for wildlife management programs. I urge my colleagues to support this modest and worthwhile proposal.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PENDING IMPEACHMENT OF JUDGE CLAIBORNE

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SENSENBRENNER. Mr. Speaker, U.S. District Judge Harry Clai-

borne of Nevada is in jail. He was convicted of income tax evasion by a jury of his peers. He lost all of his appeals, and the conviction is now final. But he has refused to resign, and by refusing to resign, this convicted felon is still collecting his \$78,100-per-year salary for making license plates or doing whatever prisoners do at the Federal penitentiary in Montgomery, AL.

Before the recess I called upon Judge Claiborne to resign. If he fails to resign by the close of business tomorrow, I shall exercise my prerogative as a U.S. Representative to bring a resolution of impeachment before this body. We cannot afford to let another day pass of having this convicted felon being paid by the taxpayers at a rate of almost \$217 per day.

Yesterday the Waukesha Freeman, the second largest newspaper published in my district, wrote an editorial saying that this Congress ought to impeach Judge Claiborne if he refuses to resign. I shall submit this editorial for insertion in the RECORD.

I call on my colleagues not to shirk their duties as U.S. Representatives just because it is unpleasant to go through an impeachment vote.

If the man has abused the system of justice and makes a mockery of the Federal courts, it is up to the Congress to purge the courts of this cancer.

[From the Waukesha Freeman, June 2, 1986]

SENSENBRENNER IS RIGHT

If U.S. District Judge Harry Claiborne of Nevada does not resign his lifetime judicial appointment by Wednesday, U.S. Rep. F. James Sensenbrenner Jr., R-Menomonee Falls, will introduce a resolution to begin impeachment proceedings against Claiborne.

Although federal judges were correctly given lifetime appointments so they can dispense justice insulated from congressional politics, Sensenbrenner is right in this case: Claiborne should be impeached. Claiborne has the dishonor of being the first federal judge to ever go to prison; he sits in a federal prison in Alabama, serving a two-year sentence for tax evasion. Because he refused to resign as a judge, he remains on the federal payroll—collecting \$78,000 a year. That's our tax money, being mailed to a convicted felon!

An impeachment resolution is long and cumbersome: the House would have to approve that resolution, and the Senate would have to hold a trial on it.

But the idea that a federal judge could betray such a public trust, violate such a basic duty of citizenship as paying one's fair share of taxes, be judged and sentenced and imprisoned—collecting his \$78,000 a year all the while—makes a mockery of our system of justice. Claiborne, sitting in jail yet collecting \$78,000 a year, seems to reinforce all those who argue that our judicial system is corrupt—so corrupt some will label Claiborne a "winner" if he emerges from this two-year sentence and walks back into his judicial job.

We agree with the Washington Post: Claiborne "should not be able to get away with it. . . . If it takes action by both houses of Congress to get rid of him, let's have it."

Sensenbrenner correctly gave Claiborne until Wednesday to resign, and it's sad that there is little evidence the judge will resign. So, impeach him; the sooner Judge Claiborne becomes simply Inmate Claiborne, the better.

COLLECTIVE BARGAINING FOR CERTAIN CONGRESSIONAL EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK. Mr. Speaker, during a May 22 special order on extending collective bargaining rights to House restaurant employees, I made reference to the fact that in 1975, the Librarian of Congress, without the need for direction or instruction by Congress, established a system for collective bargaining of the employees of the Library of Congress. I incorrectly stated that the General Accounting Office conducted the representation election at the Library of Congress. I should have noted that under the system established by the Librarian of Congress, the election was supervised by a neutral third party umpire, selected by the parties.

Where management does not have an antiunion bias, as in the Library of Congress example, it is not difficult for the parties prior to an election to agree on a neutral umpire to supervise the election and to resolve complaints. However, because of the antiunion bias shown by the Architect of the Capitol such a preelection agreement is most unlikely.

Accordingly, under the resolution now before the House Democratic Caucus, the General Accounting Office would conduct a secret ballot election to determine if the House restaurant workers wish to be represented by a labor organization for purposes of collective bargaining, and would resolve any complaints or challenges.

ARCTIC NATIONAL WILDLIFE REFUGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, I am very pleased to introduce legislation today to designate the Coastal Plain of the Arctic National Wildlife Refuge as wilderness. During the development of the Alaska National Interest Lands Conservation Act, the House of Representatives on two occasions voted overwhelmingly to designate the Coastal Plain of the Arctic National Wildlife Refuge as wilderness. These votes occurred with full knowledge that there was a geologic formation in the Coastal Plain of the refuge which might possess petroleum resources. The judgment of the House was that this area is one of the greatest treasures of wildlife and other environmental resources that we have anywhere in this Nation. This treasure is simply too valuable and sensitive to be at risk on speculative oil and gas exploration and development activities.

When the bill reached the Senate, the critical wildlife habitat area along the coast of the wildlife refuge was left out of wilderness. The

area was to be seismically surveyed and mapped and a study conducted on its natural and mineral resources. At no time did the House participate in the negotiations that led to the inclusion of this provision. Despite our strong urging, the Senate refused to seriously reconsider this and many other vital matters of deep concern to the House.

In the fall of 1980, it became apparent to me that further efforts to seek alterations in the Senate bill would be fruitless and I reluctantly urged my colleagues to join me in accepting the Senate bill. I made it very clear at the time, however, that the bill was seriously deficient in many important respects, and that wilderness designation for the Coastal Plain should be reconsidered in the future. This bill is introduced today in that spirit.

My position at that time, as it is today, is that once the seismic survey of the Coastal Plain was completed under the law, regardless of whether there were positive indications of oil and gas potential under the Coastal Plain, the Congress should complete the job of designating the Coastal Plain of the Arctic Wildlife Refuge as wilderness. With pressure continuing to be applied to selling off the Nation's few petroleum reserves, it makes good sense to me to keep some areas in reserve for future generations to explore and in the event there should be sufficient oil and gas to warrant development to possibly develop. This is one such area. In the meantime, the extraordinary abundance of wildlife continues to rely on the undisturbed habitat of the Coastal Plain.

The Coastal Plain is home to a great number and a wide variety of wildlife including polar bears, grizzly bears, muskoxen, caribou, wolves, wolverines, arctic foxes, millions of birds, including ducks, geese, swans, loons, and ptarmigan, and 16 species of fish. Offshore the frigid Arctic Ocean harbors walrus, seals, an occasional narwhal, and the endangered bowhead whale.

Of paramount importance, the Coastal Plain is critical to the life cycle of the porcupine caribou herd which numbers over 160,000. This herd usually winters in Canada and, as it has for thousands of years, migrates to the Coastal Plain to calve and nurse its young. During this critical stage of its life cycle, the caribou are extremely sensitive to intrusions. Wildlife biologists believe that the intensive petroleum development may result in abandonment of areas previously used for calving with potentially devastating effects on the viability of the herd. If ever an area cried out for long-term protection, this is it. It is time to resume the fight to designate this incomparable area as wilderness.

Biological evidence and commonsense leads one to conclude that intensive oil and gas activities could seriously affect this internationally important wildlife treasure. Estimates of the oil and gas potential of the refuge are notable for their enormous differences. To put it in perspective, however, even if there were several hundred million barrels, it would represent only a 10- to 30-day supply for the United States based on current consumption rates.

Furthermore, with the development in nearby Prudhoe Bay, as well as the dedication

of the National Petroleum Reserve to the West, there would be no significant amount of Arctic coastline remaining to provide a yardstick of what nature created in that area if the Coastal Plain is not protected.

One of the activities which has been proceeding at the Interior Department, which is of grave concern to me with respect to the Arctic Coastal Plain, is the effort to encourage the native community throughout Alaska to seek subsurface rights to the Coastal Plain in return for other surface and subsurface rights they may hold elsewhere in Alaska. As one of the authors of the Alaska Native Claims Settlement Act, and as one who has championed Native American issues for many, many years, I certainly will continue to assist Native Americans through the State of Alaska. But I believe that the dollar should not drive such important decisions for this Nation as to whether we protect the Coastal Plain of this refuge or cause us to sacrifice great principle and commonsense. To do so in this part of Alaska would be extremely myopic and in all likelihood irreversible.

I urge my colleagues to join me in completing the task of protecting the Arctic National Wildlife Refuge and its incomparable natural resource contribution to this Nation.

EDUCATION IMPORTANT TO NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, the June/July edition of the Community, Technical and Junior College Journal contains a fine article on our colleague, Representative CHARLIE BENNETT. The article was written by Frank Mensel, vice president for Federal relations for the American Association of Community and Junior Colleges. Representative BENNETT makes some good points about the importance of education to national security. I commend this article to my colleagues:

NATIONAL SECURITY: EDUCATION HIGH ON CONGRESSMAN BENNETT'S AGENDA (By Frank Mensel)

"If you will take the advice from an older man, Mr. President, please don't do it!" As one of Congress' most authoritative voices on military affairs, Representative Charles E. Bennett (D-FL) had been invited by President Reagan in 1981 to a Camp David retreat. The quote was Congressman Bennett's reaction to the President's plan to push a massive military buildup and a major tax cut at the same time.

In essence, Congressman Bennett, who is the chairman of the House Armed Services Committee's Subcommittee on Seapower, was telling the President that his game plan would lead to huge federal deficits, which since 1981 have become the largest in the nation's history, more than doubling the national debt. The accuracy of Congressman Bennett's prophecy should hardly be surprising, in the light of his experience and his record.

Just two months older than the President, he exudes the same upbeat vigor that has been the Reagan hallmark. Yet as the third most senior member of the House (the distinction he shares with Rep. Peter Rodino, of New Jersey), he has been an ardent stu-

dent and shaper of defense policy under seven presidents—dating from President Truman, whose straight-from-the-shoulder style he also resembles.

One of Congressman Bennett's favorite legislative initiatives for the last two Congresses has been the community college bill, the Skilled Enlisted Reserve Training Act (SERTA), otherwise known as the Bennett-Thurmond Bill (H.R. 40, S. 801). SERTA is an apt symbol of his dogged devotion to, and pride in, his work. "We'll weave SERTA into the nation's military policy base if it takes ten years," he recently remarked.

Congressman Bennett believes the New GI Bill could be strengthened by the SERTA concept. "For those reserve and national guard recruits who want to pursue college courses while they serve their six-year enlistments, the SERTA approach would entice them into the courses that would meet their unit's technical skill needs, which so often are the critical skill needs of our military generally," said Congressman Bennett.

For those who may not be familiar with SERTA, the bill would provide tuition assistance to service enlistees who enroll in college courses that meet the military's critical skill needs.

It would also provide monthly stipends to the GIs, just as the New GI Bill does. The student would have the option of serving his or her military obligation in the regular forces or in the reserve. The training would be targeted on the bases and units with the most pressing skills shortages, and the courses to fill those needs would be programmed with the associate degree-granting schools that were most convenient geographically to those bases and units. Where courses occasionally need content improvement to meet military standards, SERTA would assist the colleges in making those improvements.

Among his stronger convictions, Congressman Bennett wants less emphasis on nuclear buildup, more on conventional forces. "To overload American defenses with marginal nuclear weaponry, at the expense of conventional forces, is to risk catastrophe, because it tempts Soviet aggression in Europe among other places," he tells his colleagues and supporters.

His legislative record sparkles with successes that have bolstered national security. His bills have provided needed ships for the Navy, advances in military pay, improved military housing, and military justice reform. He also spearheaded the scholarship program for physicians and dentists serving the armed forces. He authored the legislation creating the Arms Control Agency as well as the act that allows the military services to assist in interdicting drug smugglers.

Those who think he might be slowing down simply are not followers of his legislative record. Given the general trend toward shorter congressional careers, he holds an unblemished attendance record in Congress that likely will never be equaled, let alone surpassed. Most congressmen are pleased to make a one hundred percent attendance record for a single year in their Hill careers. With nearly thirty-eight years in the House, Congressman Bennett has not missed a single role call on a legislative vote since 1951. He has amassed a record of more than fifteen thousand votes—which among other things means he has never ducked a tough vote. Besides his demanding work on the Armed Services Committee, he is a member of the Merchant Marine and Fisheries Com-

mittee and the Democratic Steering and Policy Committee of the House. He is dean and chairman of the Florida delegation and has twice been elected the Southeast's representative of the House's Democratic Steering and Policy Committee.

As an old cliché of public office goes, he is "only a heartbeat away" from the chairmanship of the Armed Services Committee. In fact, he would be chairman today were it not for internecine warfare within his own party last year. He is second in committee seniority to Representative Melvin Price (D-IL), who was retired from the chairmanship last year by the House Democratic Caucus.

Congressman Bennett responded to a series of questions about education and national security posed by the Journal. His responses follow.

WHY ARE CONVENTIONAL FORCES SO VITAL FOR OUR NATIONAL SECURITY?

Last November President Reagan met with Soviet Premier Gorbachev to discuss ways for our two countries to reduce the tensions that run so deep between us. Many of my colleagues in Congress as well as myself welcome the meeting and have called for concrete actions to reduce nuclear armaments. However, while we applaud this we must ponder this question: If we reduce nuclear arms, will our conventional forces be up to the task of defending us? The answer is no.

No less an expert than General Bernard Rogers, the Supreme Allied Commander of NATO, has pointed out on many occasions that we have dangerous deficiencies in the area of military readiness and combat sustainability. A major shortcoming that has hampered the military has been the failure to adequately meet the ammunition, support, and communication equipment needs of our armed forces.

There are people in this country who are against nuclear weapons and also against beefing up our conventional weaponry. But if Western Europe were attacked conventionally, NATO would face the dark specter of having to use theater nuclear weapons. Why? Because of a lack of trained manpower, ammunition, and war materiel. It's good to be for reducing nuclear arms, but if we reduce such arms without an improvement of our conventional readiness, U.S. interests in Western Europe would be in great peril. It is imperative that we increase the readiness of our armed forces.

DOES THE GI BILL CONTINUE TO SERVE THE NATIONAL INTEREST?

Yes, it does. Statistics indicate that the New GI Bill is very important in attracting quality recruits. During the first five months alone of the program, recruits were enrolling at a rate of fifty percent. Participation was highest—sixty-seven percent—in the Army, where enlistees in the hard-to-fill skill categories are eligible for the enhanced Army College Fund.

As for reserve components—where eligibility is conditioned on signing up for six years—the program has been very helpful. For example, the New GI Bill is credited with a twenty percent boost in reenlistments at the 186th Tactical Reconnaissance Group of the Mississippi Air National Guard. That's testimony for the benefits of the New GI Bill.

HOW DO YOU RATE THE IMPORTANCE OF EDUCATION TO NATIONAL SECURITY?

In my view, education is essential to national security. It is a sad fact that today military people are not technically qualified

to properly maintain and operate the equipment they presently have. One study found that eighty-one percent of the Army aircraft maintenance personnel were not qualified to maintain the aircraft they were servicing, and sixty percent of the people assigned to communications were not properly qualified. Similar findings of incompetence were uncovered in all critical operational categories. This is really a very sad and dangerous commentary on our national defense. It is stupid to continue to spend vast sums of money for increasingly sophisticated equipment without the ability to obtain people qualified to maintain and operate the equipment.

This is why I am a sponsor of legislation known as the Skilled Enlisted Reserve Training Act (H.R. 40), which would establish a program to provide high school graduates with technical education and training in skills needed by the armed forces.

We must face reality: the day of the need for the uneducated foot soldier and the jack-of-all-trades military officer has passed. We are living in a world of specialists. Unless we recognize this fact and act accordingly, we will find ourselves in deep, deep trouble. Being well rounded never hurts, but the cutting edge is specialization. Our armed forces are becoming more and more dependent on advanced technology but are having trouble finding enough able personnel to fill many technical positions. The need for individuals with specific technical training has increased dramatically with the increased sophistication of modern warfare.

The Navy has reported that it has only been able to fill fifty-three percent of their needs for entry-level engineers, and by 1988 will need 70,000 more technical personnel, representing a thirty percent increase in the number of technical positions. Army planners have stated that the Army Reserve units alone need at least 250,000 technically skilled personnel. Many problems face all branches of service because of a lack of skilled hands necessary to provide sufficient maintenance and support. Reports indicate that there are Marine pilots who are flying only half their training flights simply because the corps doesn't have an adequate number of skilled technicians. We cannot, frankly, allow this type of situation to continue.

This is why education is so vital to our national interests. From what I've already said, you can see that emphasis on education would go well with a move to strengthen our conventional forces. The SERTA bill I have sponsored is good in that it would attract more individuals into the services by allowing participants the choice of meeting their military commitment and pursuing their technician training in their home community.

Another attractive feature of this program is that it offers the participant promotion to a noncommissioned officer grade between E-3 and E-8 upon completion of training. Thus the enrollee will not only gain career training in a demand skill without having to leave his hometown, but will also gain advancement in both rank and pay.

I believe that these two features will help attract large numbers of personnel to the program and lead to a higher retention rate than the present system.

Legislation such as this is needed to ensure that the military get properly trained people in its ranks. Not only would something like this help in the military, but people trained under SERTA would be po-

tential members of the civilian workforce, individuals who could help pump up our economy and fill those skilled positions that civilian employers are trying to fill.

Education must be at the forefront of any movement to strengthen our conventional forces. Without adequate education, any such effort is doomed to failure.

WHAT IS YOUR ASSESSMENT OF THE PRESENT RISKS OF NUCLEAR WAR?

I don't believe we will see a nuclear war within the foreseeable future. Why? Because I don't really believe the Soviet Union wants a nuclear war and I'm sure the United States doesn't. Also, with President Reagan and Premier Gorbachev involved in what appears to be a serious dialogue, the relationship between the two nations appears to be less volatile, although we cannot soon expect to be best friends, that's certain.

However, this doesn't mean that we should ignore the threat of nuclear war. We must preserve an adequate nuclear deterrence. Again, I stress the need for our country to improve its conventional forces. I may sound like a broken record, but if we don't improve conventional forces, we are tempting the Russians to attack by not being sufficiently able to prevent a conventional war in Europe. And if this were to happen, if the Soviets did try a conventional war in Europe, the United States, in a very short time, would have to wage nuclear war.

The Reagan administration once hinted that it would be possible to fight a "limited" nuclear war. I disagree. I believe that once nuclear weapons are introduced into an already volatile situation the result will be a no-holds-barred nuclear war, which would result in the destruction of millions of people in both countries and possibly bring an end to civilization.

The U.S. has been criticized for not proclaiming a no-first-strike policy, while the Soviet Union has made that proclamation. We can and should proclaim such a policy only after we have sufficiently improved our conventional defenses. Obviously we cannot honestly do that now.

□ 1320

FINANCIAL INSTITUTIONS EXAMINATION IMPROVEMENT ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware [Mr. CARPER] is recognized for 5 minutes.

Mr. CARPER. Mr. Speaker, today I am introducing, along with my colleague STAN LUNDINE of New York, a slightly modified version of H.R. 3567, the Depository Institution Examination Improvement Act of 1985, a bill we introduced on October 16, 1985. I am pleased to be able to tell you that the bill is being introduced with 37 additional members of the House Banking Committee as original cosponsors, including Chairman ST GERMAIN and ranking minority member, CHALMERS WYLIE.

Like its predecessor, H.R. 3567, this legislation represents a major step forward in our attempt to enhance the safety and soundness of our financial institutions—banks, thrifts, and credit unions. The original bill grew out of hearings conducted by the Banking

Committee last year and meetings Congressman LUNDINE and I have held with representatives from the financial industry and the regulatory agencies. During this lengthy process, many witnesses testified to the importance of improving the compensation and training of examiners and supervisors as a fundamental first step in strengthening the ability of our depository institution regulatory agencies to supervise the institutions they oversee. Since the introduction of the original bill, we have worked diligently with the staffs of the regulatory agencies and with both the majority and minority staff of the Banking Committee to make the changes necessary to meet the needs of the agencies.

Briefly, the bill would enable the regulatory agencies to develop a reasonable system of compensation for all Federal examiners. Additionally, the bill provides for better training of these examiners, and it authorizes a graduate degree program in financial management analysis. Finally, the legislation would require the establishment of a uniform procedure for reviewing, with the consent of the States, State examinations of institutions which are also subject to examination by Federal agencies.

The goal of this legislation is to provide Federal and State examiners of depository institutions with the expertise necessary to identify problem institutions sooner—restoring confidence in our banks, thrifts, and credit unions.

Mr. Speaker, let me conclude by saying there are some people in this country who apparently believe that the deregulation of our financial industries also means that we need less rigorous supervision of banks, savings and loans, and credit unions. Those people are wrong.

Last year a record number of banks since the Great Depression failed in this country. This year there are approximately 1,000 banks and almost as many savings and loans that are on so-called trouble lists, closely watched institutions.

In this environment, America does not need fewer, less well-trained examiners. If anything, we need more and better trained personnel to oversee our troubled financial institutions and to help prevent a national crisis in confidence similar to those crises that have occurred in States like Maryland and Ohio.

This bill is not offered as a cure-all. This bill is not offered as a panacea. But I do think that with this piece of legislation we have something that the institutions, the regulators, the depositors, and a clear majority of the House Banking Committee believe will help lead us through some troubled turbulent times for our financial institutions, and to better ensure that the

safety and soundness that we are all concerned about, the safety and soundness that we all seek, is better guaranteed as we look to the years ahead.

IMPEACHMENT OF JUDGE HARRY CLAIBORNE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, the time has come to introduce a resolution calling for the impeachment of Judge Harry Claiborne, a district judge from the State of Nevada. In my opinion, it is the responsibility of senior members of the House Committee on the Judiciary to come forward with this resolution. I therefore join with Chairman PETER W. RODINO, JR., Congressman JACK BROOKS, Congressman DON EDWARDS, Congressman DAN GLICKMAN, Congressman CARLOS MOORHEAD, and Congressman HENRY HYDE as part of a bipartisan and coordinated effort.

Judge Claiborne was convicted during a second trial in August 1984 of willfully failing to report \$108,000 in legal fees he had earned as a defense attorney. His first trial ended in a hung jury.

On April 21, 1986, the Supreme Court, without comment, refused to hear Judge Claiborne's final direct appeal contending that Federal agents abused their power in an effort to obtain a conviction. Judge Claiborne is presently incarcerated in a Federal correctional facility, and is continuing to draw his \$78,700 annual salary.

As chairman of the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice—which has oversight responsibility for the Federal judiciary—I feel that the bell has finally tolled for the commencement of Congress' constitutionally conferred power to impeach Judge Claiborne.

I do not make this decision lightly. I wish there were alternatives. There are none.

I do not doubt that the impeachment process is cumbersome and unwieldy. We have not voted articles of impeachment for a single Federal judge since 1936 when Judge Halsted L. Ritter (Southern District of Florida) was impeached by the House for using his office for direct monetary gain. The present Congress—with all the pressures we face in an election year on trade, taxes, the budget, and national security—may not be the best equipped to satisfy our constitutional obligations.

Yet, we must try. The situation of having a sitting Federal judge in prison drawing his salary is extraordinary when you think about it. This situation calls for an extraordinary response. Almost seven decades ago, Lord Bryce taught us:

Impeachment . . . is the heaviest piece of artillery in the congressional arsenal, but because it is so heavy, it is unfit for ordinary use. It is like a hundred-ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at.

Any federal judge convicted of a Federal felony provides us with a large mark. I, and other members of the House Committee on the Judiciary, would have preferred to wait for

the judicial branch of government to make its recommendations pursuant to the Judicial Misconduct and Disability Act of 1980. As chief sponsor of that act (Public Law 96-458), I can remind Members that it provides a fast-track procedure for any circuit council (such as the ninth judicial circuit, the regional circuit encompassing the State of Nevada, where Judge Claiborne sits) to recommend impeachment. Today, every circuit in this country (including the ninth circuit) is required to have a process to govern the receipt and handling of complaints against judges. Each council—based on information otherwise available to the council—can act expeditiously to recommend impeachment of a Federal judge to the Judicial Conference of the United States. In turn, the Judicial Conference can determine that the consideration of impeachment is warranted. If this is done, the Conference "shall so certify and transmit the determination . . . to the House of Representatives for whatever action the House of Representatives considers to be necessary."

Such action by the judicial branch coupled with evidence provided by the executive branch—through the U.S. Department of Justice—would allow Congress to proceed with due regard for separation of powers and the autonomy of the coordinate branches of Government.

The judicial branch has not acted, perhaps out of fear that a complaint is necessary for ignition of judicial discipline proceedings; and indeed the executive branch has not acted to file a complaint or to request the commencement of an impeachment proceeding.

This, however, should not deter us from acting. The executive branch has prosecuted and a court of law has convicted. Now, with the Supreme Court's refusal to grant Judge Claiborne's petition for certiorari, the time to act has arrived. A conviction has occurred, and all direct appeal rights have been exhausted. That, to me, at least, presents a prima facie case for the commencement of an impeachment proceeding.

Much debate about impeachment has centered around whether criminality is an essential ingredient. That issue is not present here at all. A criminal conviction has occurred and has been affirmed.

Even assuming that Judge Claiborne's criminal conviction was reversed on collateral appeal, the fact remains that in both English precedent and American practice, a finding of criminality is not necessary. "The emphasis has been on the significant effects of the conduct—undermining the integrity of office, disregard of constitutional duties and oath of office, arrogation of power, abuse of the governmental process, adverse impact on the system of government."

I am persuaded that he has violated his oath of office—to uphold the Constitution and laws of the land—taken as a Federal judge. His actions clearly undermine the integrity of office and have an adverse effect on our system of government. Respect for the rule of law is of paramount importance to the American justice system. The average citizen cannot comprehend how a duly constituted judge—appointed by the President and confirmed by the Senate—who has been convicted of a Federal crime, can retain his judicial

robes. Similarly, the citizenry has the right to ask how a Federal judge, presently sitting in a prison cell, can continue to receive his full salary. Perhaps, most importantly, we must inquire how a judge, who has served his time in prison, can return to the bench and exercise the judicial power of the United States, including the sentencing of convicted criminals to imprisonment.

Let us answer these questions in a fair and expeditious way. Let us discharge our constitutional responsibility by commencing an impeachment inquiry.

IMPEACHMENT OF JUDGE HARRY CLAIBORNE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, today I am introducing a resolution calling for the impeachment of Judge Harry E. Claiborne, chief judge of the U.S. District Court for the District of Nevada. I am joined in this resolution today by Mr. FISH, Mr. BROOKS, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. GLICKMAN, Mr. MOORHEAD, and Mr. HYDE.

Judge Claiborne was convicted in August 1984 of two counts of Federal income tax evasion for failure to pay taxes due in excess of \$100,000. He was sentenced to 2 years in prison and a \$10,000 fine. The judge has exhausted all direct appeals of his conviction—the Federal Court of Appeals for the Ninth Circuit upheld the verdict in July 1985, and the U.S. Supreme Court refused to grant certiorari on April 21, 1986.

Judge Claiborne's collateral attempts to block his imprisonment have also been unsuccessful, and he entered prison on May 16, 1986, to serve his sentence.

As a judge appointed for life tenure during good behavior under article III of the Constitution, Judge Claiborne can only be removed from office by impeachment. Since he has not resigned from office, Judge Claiborne is still receiving his judicial salary in excess of \$78,000 per year—despite being in jail.

In light of Judge Claiborne's conviction of a Federal crime and the exhaustion of all direct judicial appeals, the responsibility falls upon the House of Representatives to perform its constitutional duty and initiate an impeachment proceeding. An immediate question arises here as to whether a judicial officer of the United States has violated his oath of office and the public trust placed in him. If the House of Representatives votes to impeach Judge Claiborne, it will then be up to the Senate to try him.

An impeachment proceeding is an extreme procedure which should only be instituted in the most compelling circumstances. Only 12 times in the history of the United States have resolutions or articles of impeachment been adopted by the House of Representatives and sent to the Senate for trial. The most recent impeachment and trial was of Judge Halsted L. Ritter in 1936. The House Committee on the Judiciary voted articles of impeachment against President Richard M. Nixon in 1974,

but President Nixon resigned from office prior to impeachment by the House.

The criminal conviction of Judge Harry Claiborne, a sitting Federal judge, is obviously a very serious matter that must be looked into in order to preserve the integrity of the Federal judiciary.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. YATRON) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.
Mr. UDALL, for 5 minutes, today.
Mr. MONTGOMERY, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. CARPER, for 5 minutes, today.
Mr. KASTENMEIER, for 10 minutes, today.
Mr. GAYDOS, for 5 minutes, today.
Mr. MRAZEK, for 60 minutes, on June 5.

(The following Member (at the request of Mr. CARPER) to revise and extend his remarks and include extraneous material:)

Mr. RODINO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. MONSON.
Mr. COURTER in two instances.
Mr. McGRATH.
Mr. BEREUTER in three instances.
Mr. LEWIS of California in two instances.
Mr. CONTE.
Mr. PETRI.

Mrs. ROUKEMA.

(The following Members (at the request of Mr. YATRON) and to include extraneous matter:)

Mr. YATRON in two instances.
Mr. FASCELL.
Mr. TORRICELLI in three instances.
Mr. BARNES.
Mr. LANTOS.
Mr. UDALL.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mrs. LLOYD in five instances.
Mr. HAMILTON in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. DE LA GARZA in 10 instances.
Mr. WHEAT.
Mr. MURTHA.
Mr. LUNDINE.
Mrs. SCHROEDER.
Mr. LEVINE of California.
Mrs. BURTON of California.
Mr. KASTENMEIER in two instances.
Mr. VENTO.
Mr. COELHO.
Mr. FLORIO.
Mr. STARK.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolution of the Senate of the following titles:

S. 2460. An act to extend until June 30, 1986, the date on which certain limitations become effective with respect to obligations that may be made from the military personnel accounts of the Department of Defense for fiscal year 1986;

S. 2179. An act to amend the Communications Act of 1934 to provide for reduction in the term of office of members of the Federal Communications Commission, and for other purposes; and

S.J. Res. 344. Joint resolution to designate the week beginning June 8, 1986, as "National Children's Accident Prevention Week."

BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

On May 28, 1986:

H.R. 2672. An act to amend title 5, United States Code, to establish a new retirement and disability plan for Federal employees, postal employees, and Members of Congress, and for other purposes;

H.J. Res. 526. Joint resolution to designate the week of May 25, 1986, through May 31, 1986, as "Critical Care Week"; and

H.J. Res. 636. Joint resolution designating June 26, 1986, as "National Interstate Highway Day."

ADJOURNMENT

Mr. CARPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 4, 1986, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the third quarter of calendar year 1985 and the first quarter of calendar year 1986 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1985

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Other expenditures for Codel de la Garza: ³											
	8/13	8/16	Munich, Germany								
Local transportation									1,221.99		1,221.99
Control room									211.22		211.22
Consulate personnel									125.98		125.98
Interpreter									102.88		102.88
	8/16	8/18	Lisbon, Portugal								
FSN Embassy support personnel									3,477.83		3,477.83
Local transportation									1,045.47		1,045.47
Control rooms									957.10		957.10
Telephone									715.15		715.15
Miscellaneous									181.46		181.46
Committee total					14,089.00		69,780.91		10,584.59		94,454.50

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Addendum to original report.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. E. Thomas Coleman	1/5	1/9	Ireland	522.23	652.00						652.00
	1/9	1/12	West Germany	878.40	360.00						360.00
			West Germany				57.58				57.58
			West Germany						169.85		169.85
Military transportation							2,996.00				2,996.00
Codel Rose											
Hon. Charles Rose	1/10	1/12	Hong Kong	2,460.10	316.00		164.00				316.00
Hon. Arlan Stangeland	1/10	1/12	Hong Kong	2,460.10	316.00		164.00				316.00
Mr. Charles Hitty	1/10	1/12	Hong Kong	2,460.10	316.00		164.00				316.00
Joan T. Rose	1/10	1/12	Hong Kong	316.00			164.00				164.00
James Waller	1/10	1/12	Hong Kong	2,460.10	316.00		164.00				316.00
Diane Liesman	1/10	1/12	Hong Kong	2,460.10	316.00		164.00				316.00
Other expenditures for Codel Rose	1/10	1/12	Hong Kong								
Local transportation								1,326.00	175.06		175.06
Miscellaneous								39.60	5.09		5.09
Committee total					2,908.00		4,037.58		350.00		7,295.58

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, Apr. 29, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Lawrence Coughlin	1/23	1/26	Panama		372.00		^a 1,332.00				1,704.00
Hon. Bill Gray	1/6	1/10	South Africa		432.00		^a 17,334.00		145.38		17,911.38
Hon. Terry Lewis	3/23	3/27	Costa Rica		300.00		^a 1,004.40				1,304.40
Commercial transportation							797.20				797.20
Hon. Bill Lowery	1/4	1/7	South Korea		411.00		^a 5,876.77		115.23		6,403.00
	1/7	1/10	Japan		540.00				65.52		605.52
Hon. Joe Skeen	1/23	1/26	Panama		372.00		^a 1,332.00				1,704.00
George Allen	2/5	2/10	Philippines		400.00		^a 3,606.00				4,006.00
Jeffrey W. Jacobs	1/23	1/26	Panama		372.00		^a 1,332.00				1,704.00
Dennis Kedzior	1/8	1/9	Singapore		234.00		^a 296.00				4,530.00
	1/9	1/10	Philippines		160.00				100.00		260.00
	1/10	1/12	Guam		92.00						92.00
	1/12	1/19	Hawaii		600.00						600.00
Commercial transportation							4,487.04				4,487.04
William Marinelli	1/8	1/9	Singapore		234.00		^a 296.00				530.00
	1/9	1/10	Philippines		160.00				100.00		260.00
	1/10	1/12	Guam		92.00						92.00
	1/12	1/19	Hawaii		600.00						600.00
Commercial transportation							4,364.56				4,364.56
Mark W. Murray	1/8	1/9	Singapore		234.00		^a 296.00				530.00
	1/9	1/10	Philippines		160.00				100.00		260.00
	1/10	1/12	Guam		92.00						92.00
	1/12	1/19	Hawaii		600.00						600.00
Commercial transportation							4,557.89				4,557.89
Terry R. Peel	1/1	1/5	France		536.00				72.00		608.00
	1/6	1/9	Pakistan		333.00				23.50		356.50
	1/9	1/14	India		492.00				38.00		530.00
	1/15	1/17	United Kingdom		276.00		2,649.50		66.00		2,991.50
John Plashal	1/4	1/6	United States		150.00						150.00
	1/8	1/9	New Zealand		80.00						80.00
	1/9	1/17	Australia		698.70		4,022.44				4,721.14
Donald Richbourg	1/8	1/9	Singapore		234.00		^a 296.00				530.00
	1/9	1/10	Philippines		160.00				100.00		260.00
	1/10	1/12	Guam		92.00						92.00
	1/12	1/19	Hawaii		600.00						600.00
Commercial transportation							4,487.04				4,487.04
George Schafer	1/6	1/9	Panama		300.00		^a 1,332.00				1,632.00
William E. Schuerch	3/23	3/25	Dominican Republic		150.00		529.00				679.00
Committee total					10,558.70		60,227.84		925.63		71,712.17
Appropriations, surveys and investigations staff:											
G. Carter Baird	1/8	1/11	Japan		441.00		2,042.04		20.85		2,503.89
Thomas E. Crosson	1/9	1/10	Japan		183.75		2,254.06		57.25		2,495.06
	1/10	1/15	Korea		468.00						468.00
	1/15	1/17	Japan		305.00						305.00
	1/17	1/23	Philippines		428.75				10.81		439.56
Edwin C. Eads	1/4	1/18	Germany		1,138.00		2,136.00				3,274.00
	1/18	1/23	Italy		393.75						393.75
	1/23	2/1	England		882.75						882.75
Jerry M. Graves	1/4	1/18	Germany		1,156.75		2,032.00		20.00		3,208.75
	1/18	1/22	Italy		392.00						392.00
	1/22	1/26	Spain		396.00						396.00
	1/26	2/1	England		498.75						498.75
Albert E. Hines	1/19	2/1	Germany		1,056.50		1,914.59		61.70		3,032.79
Patrick Maguire	1/19	2/1	Germany		1,056.50		1,914.59		11.48		2,982.57
Joseph P. Normile	1/19	2/1	Germany		1,056.50		1,914.59		32.78		3,003.87
A.M. Statham	1/5	1/9	Panama		262.50		747.86		17.74		1,028.10
	1/9	1/14	West Indies		831.25						831.25
	1/14	1/16	Puerto Rico		348.75				11.00		359.75
Robert F. Stockman	1/9	1/10	Japan		183.75		2,254.06		49.83		2,487.64

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986—

Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
	1/10	1/15	Korea		468.00						468.00
	1/15	1/17	Japan		305.00						305.00
	1/17	1/23	Philippines		428.75				20.24		448.99
Bernard J. Trescavage	1/4	1/18	Germany		1,138.50		2,136.00		4.10		3,278.60
	1/18	1/23	Italy		393.75						393.75
	1/23	2/1	England		882.75				9.10		891.85
R.W. Vandergrift	1/7	1/9	Panama		177.30		1,103.00		23.50		1,303.80
	1/9	1/13	West Indies		568.75				132.00		700.75
	1/21	1/23	Germany		168.75		2,015.00		10.00		2,193.75
	1/23	1/26	England		414.00				68.77		482.77
B. Alan Weaver	1/5	1/9	Panama		348.75		747.86		9.84		1,106.45
	1/9	1/14	West Indies		831.25				108.00		939.25
	1/14	1/16	Puerto Rico		150.00				30.00		180.00
Carlton A. Weiss	1/4	1/18	Germany		1,156.75		2,032.00		11.00		3,199.75
	1/18	1/22	Italy		392.00						392.00
	1/22	1/26	Spain		396.00						396.00
	1/26	2/1	England		498.75				12.00		510.75
Committee total					20,199.30		25,243.65		731.99		46,174.94

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Travel by military aircraft.

JAMIE L. WHITTEN, Chairman, May 6, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Fitzgibbons, Robert ³	1/5	1/5	England		138.00						138.00
	1/6	1/8	Scotland		152.00						152.00
	1/8	1/9	England		138.00						138.00
	1/9	1/10	Sweden		116.00						116.00
Smith, Nancy ³	1/5	1/6	England		138.00						138.00
	1/6	1/8	Scotland		152.00						152.00
	1/8	1/9	England		138.00						138.00
	1/9	1/10	Sweden		116.00						116.00
	1/10	1/11	Denmark		84.00						84.00
	1/11	1/17	France		705.00		111.67				816.67
Refund per diem					-208.44						-208.44
Surface transportation for staffed while in France 7 days											566.67
Finnegan, David	2/9	2/12	Japan		588.00						588.00
	2/13	2/16	Hong Kong		500.00						500.00
Local taxis							27.00				27.00
Commercial air fare							2,359.00				2,359.00
Smith, Russell	2/9	2/12	Japan		588.00						588.00
	2/13	2/16	Hong Kong		500.00						500.00
	2/17	2/20	Bangkok		308.00						308.00
	2/21	2/25	Singapore		585.00						585.00
Commercial air fare							2,758.00				2,758.00
Nelson, David	2/14	2/16	Hong Kong		375.00						375.00
	2/17	2/20	Thailand		308.00						308.00
	2/21	2/26	Singapore		585.00						585.00
	2/26	3/1	Taiwan		291.00						291.00
	3/1	3/5	Hong Kong		625.00						625.00
Local taxi							18.00				18.00
Air fare Hong Kong/Taipei							266.00				266.00
Commercial air fare							2,997.00				2,997.00
Chesson, John ³	1/5	1/6	England		138.00						138.00
	1/6	1/8	Scotland		152.00						152.00
	1/8	1/9	England		138.00						138.00
	1/9	1/10	Sweden		116.00						116.00
	1/10	1/11	Denmark		84.00						84.00
	1/11	1/17	France		705.00		132.70				837.70
Refund per diem				1,500	-199.73						-199.73
Norwood, Robert C. ³	1/5	1/6	England		138.00						138.00
	1/6	1/8	Scotland		152.00						152.00
	1/8	1/9	England		138.00						138.00
	1/9	1/10	Sweden		116.00						116.00
	1/10	1/11	Denmark		84.00						84.00
	1/11	1/17	France		705.00		123.79				828.79
Refund per diem				1,400	-186.41						-186.41
Sims, Stephen F.	2/14	2/16	Hong Kong		375.00						375.00
	2/17	2/20	Thailand		308.00						308.00
	2/21	2/26	Singapore		585.00						585.00
	2/26	3/1	Taiwan		291.00						291.00
	3/1	3/5	Hong Kong		625.00						625.00
Local taxis							18.00				18.00
Air fare Hong Kong/Taipei							266.00				266.00
Commercial air fare							2,979.00				2,979.00
Waxman, Henry A., MC	1/2	1/5	Peru		432.00						432.00
	1/6	1/7	Venezuela		108.00						108.00
	1/8	1/10	Brazil		324.00						324.00
	1/11	1/14	Argentina		342.00						342.00
	1/14	1/14	Panama								
In country transportation							133.27				133.27
Miscellaneous in country expenses									116.67		116.67
Military air fare							4,226.83				4,226.83
Stockton, Peter D.H. ³	11/10	11/20	Japan		1,482.00						1,482.00
	11/20	11/23	Korea		312.00						312.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
In country transportation.....							193.53				193.53
Committee total.....					14,385.42		16,609.79		116.67		31,111.88

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Commercial air fare will be filed on supplemental report.

JOHN D. DINGELL, Chairman, May 12, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. William F. Clinger.....	1/5	1/9	Ireland.....	522.23	652.00		2,996.00				3,648.00
	1/9	1/12	Germany.....	878.40	360.00						360.00
Hon. Edolphus Towns.....	1/6	1/10	South Africa.....		432.00		17,334.00		145.38		17,911.38
John R. Galloway.....	1/17	1/19	Mexico.....		216.00		1,109.66				1,325.66
							67.49		87.10		154.59
Committee total.....					1,660.00		21,507.25		232.48		23,399.53

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, May 15, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DR. JAMES D. FORD, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 5 AND JAN. 12, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Dr. James D. Ford.....	1/5	1/9	Ireland.....	522.23	652.00					522.23	652.00
	1/9	1/12		878.40	360.00					878.40	360.00
Committee total.....					1,12.00						1,012.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES D. FORD, Jan. 16, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO FRENCH POLYNESIA, NEW ZEALAND, AUSTRALIA, AND FIJI, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 7 AND JAN. 21, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Odessa Vrtikapa.....	1/7	1/9	French Polynesia.....		236.00						
	1/10	1/14	New Zealand.....		300.00						
	1/14	1/18	Australia.....	573.16							
	1/18	1/21	Fiji.....	693.00							
					366.00						
							13,498.48				
Committee total.....					1,366.00		13,498.48				
Debra Cabral.....	1/7	1/9	French Polynesia.....		236.00						236.00
	1/10	1/14	New Zealand.....		300.00						300.00
	1/14	1/18	Australia.....		464.00						464.00
	1/18	1/21	Fiji.....		366.00						366.00

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Military air transportation							13,498.48				13,498.48
Committee total					1,366.00		13,498.48				14,864.48

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ODESSA VRTIKAPA, Jan. 29, 1986; DEBRA CABRAL, Jan. 1, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JAMES J. FLORIO, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 7 AND JAN. 10, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
James J. Florio	1/7	1/10	Israel		133.00		431.00				

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES J. FLORIO, Feb. 10, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JIM MOODY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 19 AND JAN. 24, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Jim Moody	1/19	1/24	Switzerland		1,332.10		495.00				495.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM MOODY, Feb. 25, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 17 AND JAN. 19, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
George Burke	1/17	1/19	Mexico	101.760	212					101.760	212
Robert McClure	1/17	1/19	Mexico	101.760	212					101.760	212
Roger Fleming	1/17	1/19	Mexico	101.760	212					101.760	212

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE A. BURKE, Feb. 18, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COLLEEN HELM, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 18, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Colleen Helm	2/13	2/14	Thailand		110.00						
	2/14	2/15	Vietnam		98.00						
	2/15	2/17	Thailand		220.00						
	2/17	2/18	Korea		137.00						
Military transportation							18,404.00				
Committee total					565.00		18,404.00				

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

COLLEEN M. HELM, Feb. 27, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SOUTH AFRICA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 6 AND JAN. 10, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Christopher J. Matthews	1/6	1/10	South Africa		432.00		17,334.00				
Steven G. Murphy	1/6	1/10	South Africa		432.00		17,334.00				

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRISTOPHER J. MATTHEWS, Mar. 5, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. THOMAS S. FOLEY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 19 AND JAN. 20, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Thomas S. Foley	1/19	1/20	Japan		360.00						360.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS S. FOLEY, Apr. 2, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, BILLIE GAY LARSON, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 20 AND FEB. 2, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Larson, Billie Gay	1/20	1/21	Japan		180.00				39.30		219.30
	1/21	1/28	China		743.00		92.50				835.50
	1/28	1/31	Thailand		330.00				158.05		488.05
	1/31	2/2	Australia		366.00				255.02		621.02
Military air transportation							22,684.00				22,684.00
Committee total					1,619.00		22,776.50		904.74		24,847.87

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILLIE GAY LARSON, Apr. 28, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO DOMINICAN REPUBLIC, VENEZUELA, ARGENTINA, AND BRAZIL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 7 AND FEB. 20, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Charles Melody	2/7	2/10	Dominican Republic		432.00		389.00				821.00
	2/10	2/12	Venezuela		216.00		993.00				1,209.00
	2/12	2/15	Argentina		342.00		101.00				443.00
	2/15	2/20	Brazil		585.00		2,119.00				2,704.00
Kevin F. Peterson	2/7	2/10	Dominican Republic		432.00		389.00				821.00
	2/10	2/12	Venezuela		216.00		993.00				1,209.00
	2/12	2/15	Argentina		342.00		101.00				443.00
	2/15	2/20	Brazil		585.00		2,119.00				2,704.00
Committee total					3,150.00		7,204.00				10,354.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES MELLODY, May 5, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. THOMAS S. FOLEY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 24 AND FEB. 25, 1986

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Thomas S. Foley	2/24	2/25	Ireland		260.00		243.27				503.27

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS S. FOLEY, May 21, 1986.

EXECUTIVE COMMUNICATIONS
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3570. A letter from the Comptroller General of the United States, transmitting a report on the status of budget authority that was proposed for rescission by the President in his fourth special message for fiscal year 1986, March 12, 1986, but for which the Congress did not pass a rescission bill, pursuant to 2 U.S.C. 685 (H. Doc. No. 99-225); to the Committee on Appropriations and ordered to be printed.

3571. A letter from the Comptroller General of the United States, transmitting a review of three rescissions transmitted by the President on April 25, 1986 in his sixth special message for fiscal year 1986, pursuant to 2 U.S.C. 685 (H. Doc. No. 99-226); to the Committee on Appropriations and ordered to be printed.

3572. A letter from the Deputy Assistant Secretary of Defense (Military Manpower and Personnel Policy), transmitting a report on defense contractors and consultants who during the past 3 years held positions of GS-13 or above within the Department, pursuant to 10 U.S.C. 2397(e) (96 Stat. 1293); to the Committee on Armed Services.

3573. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letters of offer to Denmark for defense articles (transmittal No. 86-34), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3574. A letter from the Secretary of Defense, transmitting a report on NATO conventional defense, pursuant to 22 U.S.C. 1928 nt.; to the Committee on Armed Services.

3575. A letter from the Director, Defense Security Assistance Agency, transmitting notification that the Department of Defense has suspended plans to proceed with a loan of U.S. Communications Security [COMSEC] equipment to Saudi Arabia for use in their AWACS aircraft; to the Committee on Armed Services.

3576. A letter from the Secretary of Housing and Urban Development, transmitting the consolidated annual report for the Community Development Program, the Rehabilitation Loan Program, and the Urban Homesteading Program, pursuant to 42 U.S.C. 5313(a) and 12 U.S.C. 810(e); to the Committee on Banking, Finance and Urban Affairs.

3577. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-168, "Wholesale Liquor Industry Storage Act of 1984", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3578. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-169, "D.C. General Hospital Commission Act Temporary Amendment Act of 1986", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3579. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Securities Held By D.C. Treasury For the Fiscal Year Ended September 30, 1985", pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3580. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statement for Solomon J. Kendrick, pursuant to Public Law 96-122, sections 162 and 164(a)(1)(A); to the Committee on the District of Columbia.

3581. A letter from the Secretary of Education, transmitting final regulations for the Assistance to States for Education of Handicapped Children Program—Technical Amendments pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3582. A letter from the Secretary of Education, transmitting final regulations for State grants for strengthening the skills of teachers and instruction in mathematics, science, foreign languages, and computer learning and for increasing the access of all students to that instruction, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3583. A letter from the Secretary of Education, transmitting final regulations for the Educational Research Grant Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3584. A letter from the Secretary of Education, the annual report for 1985 of the National Technical Institute for the Deaf, pursuant to 20 U.S.C. 684(b)(3); to the Committee on Education and Labor.

3585. A letter from the Secretary of Education, transmitting an evaluation of the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults for fiscal year 1984, pursuant to 29 U.S.C. 1903(b)(2); to the Committee on Education and Labor.

3586. A letter from the Attorney General, Department of Justice, transmitting recommendations for coordination of Federal juvenile delinquency programs and activities, pursuant to 42 U.S.C. 5616(c); to the Committee on Education and Labor.

3587. A letter from the Chairman, National Commission for Employment Policy, transmitting a report entitled "Computers in the Workplace: Selected Issue", pursuant to Public Law 97-300, section 475; to the Committee on Education and Labor.

3588. A letter from the Secretary of Health and Human Services, transmitting the annual report of the Administration on Aging for fiscal year 1985, pursuant to 42

U.S.C. 3018; to the Committee on Education and Labor.

3589. A letter from the Administrator, Energy Information Administration, transmitting the annual energy review for 1985, pursuant to FEAA, section 57(a)(2) (90 Stat. 1139; 91 stat. 573); to the Committee on Energy and Commerce.

3590. A letter from the Executive Director, National Arthritis Advisory Board, transmitting the Board's 1985-86 annual report; to the Committee on Energy and Commerce.

3591. A letter from the Executive Director, National Diabetes Advisory Board, transmitting the Board's 1986 annual report; to the Committee on Energy and Commerce.

3592. A letter from the Secretary of Health and Human Services, transmitting the fifth annual report of the Director, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases; to the Committee on Energy and Commerce.

3593. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Pakistan of 155mm and 203mm projectiles for the Pakistan Army, pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3594. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of a proposed license for the export of major defense equipment (transmittal No. MC-21-86), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3595. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Army's proposed letters of offer to Denmark for defense articles and services (transmittal No. 86-34), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3596. A letter from the Chairman, Foreign Claims Settlement Commission of the United States; transmitting a report on operations under the War Claims Act of 1948, as amended, pursuant to 50 U.S.C. app. 2008; 22 U.S.C. 1622a; to the Committee on Foreign Affairs.

3597. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the political contributions of Jonathan Moore, of Massachusetts, as U.S. Coordinator for Refugee Affairs and Ambassador at Large, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3598. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting reports of the political contributions for G. Norman Anderson of Florida, as Ambassador to the Republic of Sudan and Frank G. Wisner, of the District of Columbia, as Ambassador to

the Arab Republic of Egypt, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3599. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting the third 90 day report on the Camerena investigation, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

3600. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3601. A letter from the Director, Agency for International Development, transmitting a report on new contracts having a total estimated cost or price in excess of \$100,000 which the Agency entered into without competitive selection procedures during the period of October 1, 1984 to September 30, 1985, pursuant to FAA section 634(a); to the Committee on Foreign Affairs.

3602. A letter from the Deputy Assistant Secretary of Defense (Resource Management and Support), transmitting the fiscal year 1985 report on the actuarial status of the military retirement system, pursuant to 10 U.S.C. 1464(c) (97 Stat. 646); to the Committee on Government Operations.

3603. A letter from the Inspector General, Department of Energy, transmitting the semiannual report for the Office of the Inspector General for the period October 1, 1985 through March 31, 1986, pursuant to Public Law 95-91, section 208(c); to the Committee on Government Operations.

3604. A letter from the Inspector General, Department of Health and Human Services, transmitting the semiannual report of the Office of Inspector General for the period October 1, 1985 through March 31, 1986, pursuant to 42 U.S.C. 3524(a); to the Committee on Government Operations.

3605. A letter from the Comptroller General of the United States, transmitting a list of all reports issued by GAO during April 1986, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3606. A letter from the Acting President—Chief Executive Officer, Federal Home Loan Mortgage Corporation, transmitting a report on compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3607. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the activities of the Inspector General for the period October 1, 1985 to March 31, 1986, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3608. A letter from the Administrator, Veterans Administration, transmitting the semiannual report of the activities of the Inspector General for the period October 1, 1985 through March 31, 1986, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3609. A letter from the Chairman, Council on Environmental Quality, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3610. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of an altered Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3611. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3612. A letter from the General Counsel, Office of the U.S. Trade Representative, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3613. A letter from the Records Officer, U.S. Postal Service, transmitting notice of an altered Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3614. A letter from the Secretary of Agriculture, transmitting the semiannual report of the activities of the Inspector General covering the period October 1, 1985 through March 31, 1986, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3615. A letter from the Secretary of Education, transmitting notice of a new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3616. A letter from the Secretary of Education, transmitting the twelfth semiannual report of the activities of the Inspector General for the period October 1, 1985 through March 31, 1986, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3617. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3618. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3619. A letter from the Secretary of the Interior, transmitting a report on geological surveys conducted outside the national domain for the period January 1 through December 31, 1985, pursuant to 43 U.S.C. 31; to the Committee on Interior and Insular Affairs.

3620. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to extend the authorization of appropriations for the refugee assistance program, improve the effectiveness and administration of such program, and for other purposes; to the Committee on the Judiciary.

3621. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's semiannual report on the effectiveness of the Civil Aviation Security Program for the period July 1 through December 31, 1985, pursuant to 49 U.S.C. app. 1356(a); to the Committee on Public Works and Transportation.

3622. A letter from the Administrator, General Services Administration, transmitting a report of building project survey for Reading, PA, pursuant to Public Law 86-249, section 7(a) (86 Stat. 217); to the Committee on Public Works and Transportation.

3623. A letter from the Administrator, General Services Administration, transmitting a revised repair and alteration prospectus for the renovation of the Chet Holifield Federal Building, Laguna Niguel, CA, pursuant to Public Law 86-249, section 7(a) (86 Stat. 217); to the Committee on Public Works and Transportation.

3624. A letter from the Secretary of Energy, transmitting the seventh annual report on the use of alcohol in fuels, pursuant to 26 U.S.C. 4041 nt.; to the Committee on Ways and Means.

3625. A letter from the Secretary of Defense, transmitting a report on actions taken to increase competition for contracts and the competed dollar goal of the Department for fiscal year 1986, pursuant to 41 U.S.C. 419 and 10 U.S.C. 2301 nt.; jointly, to the Committees on Armed Services and Government Operations.

3626. A letter from the Secretary of Health and Human Services, transmitting a report on Social Security Advisory Committees, pursuant to 42 U.S.C. 1314(f); jointly, to the Committees on Energy and Commerce and Ways and Means.

3627. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities, pursuant to Public Law 93-439, section 208; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3628. A letter from the Comptroller General of the United States, transmitting an examination of the balance sheets of the Office of the Attending Physician, pursuant to Public Law 94-59, title III (89 Stat. 283); jointly, to the Committees on Government Operations and House Administration.

3629. A letter from the Comptroller General of the United States, transmitting the results of the examination of the Federal Prison Industries, Inc.'s, financial statements, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Operations and the Judiciary.

3630. A letter from the Secretary of Transportation, transmitting the seventh annual report on the administration of the Offshore Oil Pollution Compensation Fund for the fiscal year ended September 30, 1985, pursuant to 43 U.S.C. 1824; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

3631. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on hiring and promotions of minorities and women in grades GS-11 and above between January 1, and March 31, 1986, pursuant to Public Law 93-438, section 201(h) (91 Stat. 1482); jointly, to the Committees on Interior and Insular Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on May 21, 1986, the following report was filed on May 28, 1986.]

Mr. CONYERS: Committee on the Judiciary. H.R. 4801. A bill to amend section 994 of title 28, United States Code, to clarify certain duties of the U.S. Sentencing Commission; with an amendment (Rep. 99-614).

Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 3, 1986]

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 3108. A bill to amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station (Rept. 99-615). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 4784. A bill to require the transfer of jurisdiction to the District of Columbia over certain property to permit such property to be used as a shelter for the homeless; with amendments (Rept. 99-616). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VANDER JAGT (for himself, Mr. STARK, Mr. MATSUI, Mr. ARCHER, Mr. THOMAS of California, and Mr. FOWLER):

H.R. 4916. A bill to amend the Internal Revenue Code of 1954 to make certain changes relating to real estate investment trusts; to the Committee on Ways and Means.

By Mr. CARPER (for himself, Mr. LUNDINE, Mr. ST GERMAIN, Mr. WYLIE, Mr. BARNARD, Mr. BARTLETT, Mr. BEREUTER, Mr. CHANDLER, Mr. COOPER, Mr. DREIER of California, Mr. ERDREICH, Mr. FRANK, Mr. FUSTER, Mr. GARCIA, Mr. GORDON, Mr. HILER, Mr. HUBBARD, Mr. KANJORSKI, Ms. KAPTUR, Mr. KOLBE, Mr. LaFALCE, Mr. LEHMAN of California, Mr. LEVIN of Michigan, Mr. McCANDLESS, Mr. MCCOLLUM, Mr. MCKINNEY, Mr. McMILLAN, Mr. MANTON, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. NELSON of Florida, Mr. PARRIS, Mr. RIDGE, Mr. ROEMER, Mr. ROTH, Mrs. ROUKEMA, Mr. SHUMWAY, Mr. TORRES, Mr. WIRTH, and Mr. WORTLEY):

H.R. 4917. A bill to improve the quality of examinations of depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ANDERSON:

H.R. 4918. A bill to allow homeowners to deduct the full amount of prepaid interest paid in connection with the refinancing of their principal residence for the taxable year in which paid; to the Committee on Ways and Means.

By Mr. DICKS:

H.R. 4919. A bill to limit deployment and maintenance of United States strategic nuclear weapons consistent with existing arms limitation agreements; to the Committee on Armed Services.

By Mr. PETRI (for himself, Mr. MRAZEK, and Mr. JEFFORDS):

H.R. 4920. A bill to establish arbitration panels in the district courts of the United States for product liability actions, medical malpractice actions, tort actions against governmental bodies, and other civil actions for damages for personal injuries, to assist States in the establishment of such panels in State courts, and for other purposes; to the Committee on the Judiciary.

By Mrs. SCHROEDER:

H.R. 4921. A bill to protect copyrighted computer programs from illegal copying; to the Committee on the Judiciary.

By Mr. UDALL (for himself, Mr. SEIBERLING, Mr. JEFFORDS, Mr. MILLER of California, Mr. KILDEE, Mrs. SCHNEIDER, Mr. WEAVER, Mr. VENTO, Mr. MARKEY, Mr. GREEN, Mr. MCKINNEY, Mr. DE LUGO, Mr. RODINO, Mr. HOWARD, Mr. ST GERMAIN, Mr. RINALDO, Mr. DELLUMS, Mr. CONYERS, Mr. MOAKLEY, Mr. KASTENMEIER, Mr. MATSUI, Mr. AU COIN, Mrs. BURTON of California, Mr. BEDELL, Mr. WEISS, Mr. EDGAR, and Mr. NEAL):

H.R. 4922. A bill to designate certain lands in Alaska as wilderness; to the Committee on Interior and Insular Affairs.

By Mrs. BYRON (for herself, Mr. MRAZEK, Mr. DOWNEY of New York, Mr. FOLEY, Mr. CARNEY, Mr. WIRTH, and Mr. SNYDER):

H. Con. Res. 344. Concurrent resolution to express the sense of the Congress that State and local governments and local educational agencies should require quality daily physical education programs for all children from kindergarten through the 12th grade; to the Committee on Education and Labor.

By Mr. FEIGHAN (for himself, Mr. SOLARZ, Mr. LEACH of Iowa, Mr. TORRICELLI, and Mr. UDALL):

H. Con. Res. 345. Concurrent resolution expressing the sense of the Congress concerning democracy in the Republic of Korea; to the Committee on Foreign Affairs.

By Mr. RODINO (for himself, Mr. FISH, Mr. BROOKS, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. GLICKMAN, Mr. MOORHEAD, and Mr. HYDE):

H. Res. 461. Resolution impeaching Harry E. Claiborne, judge of the U.S. District Court for the District of Nevada, of high crimes and misdemeanors; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

388. By the SPEAKER: Memorial of the Legislature of the State of Oklahoma, relative to POW's and MIA's; to the Committee on Foreign Affairs.

389. Also, memorial of the Senate of the State of Colorado, relative to discrimination, repression, and persecution of Soviet Jewry; to the Committee on Foreign Affairs.

390. Also, memorial of the Legislature of the State of Colorado, relative to MIA's and POW's in Southeast Asia; to the Committee on Foreign Affairs.

391. Also, memorial of the Legislature of the State of Colorado, relative to deferral of further wilderness designations in the State of Colorado; to the Committee on Interior and Insular Affairs.

392. By Mr. BROWN of Colorado: Memorial of the Legislature of the State of Colorado, relative to an amendment to the Constitution; to the Committee on the Judiciary.

393. Memorial of the Senate of the State of Illinois, relative to on-the-job training benefits for veterans; to the Committee on Veterans' Affairs.

394. Also, memorial of the Senate of the State of Louisiana, relative to the elimination of the Federal income tax exemptions

for interest on bonds issued by State and local governments; to the Committee on Ways and Means.

395. Also, memorial of the House of Representatives of the State of Hawaii, relative to the Department of Agriculture and the cooperative State research service's efforts to develop the marine shrimp industry; jointly, to the Committees on Agriculture and Merchant Marine and Fisheries.

396. Also, memorial of the Senate of the State of Illinois, relative to use of foreign-made products in U.S. Naval and Coast Guard vessels; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

397. Also, memorial of the Assembly of California, relative to log homes; jointly, to the Committees on Banking, Finance and Urban Affairs; Energy and Commerce; and Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TORRICELLI introduced a bill (H.R. 4923) to permit the vessel *Tub's Tub* to be employed in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 362: Mr. OBEY and Mr. WISE.

H.R. 1145: Mr. GEJDENSON.

H.R. 2952: Mr. TOWNS.

H.R. 2954: Mr. MICA.

H.R. 3142: Mr. EVANS of Illinois.

H.R. 4003: Mr. BRUCE and Mr. SAVAGE.

H.R. 4014: Mr. SMITH of Florida, Mr. BIAGGI, Mr. EVANS of Illinois, Mr. GLICKMAN, Mr. BARNES, Mr. EDWARDS of California, Mr. DYSON, Mr. WEAVER, and Mr. HERTEL of Michigan.

H.R. 4025: Mr. YOUNG of Florida, Mr. KRAMER, Mr. BREAU, and Mr. BADHAM.

H.R. 4057: Mrs. COLLINS, Mr. SPENCE, Mr. BONIOR of Michigan, Mr. LANTOS, Mr. HYDE, Mr. WEAVER, Mr. BADHAM, and Mr. PERKINS.

H.R. 4088: Mr. GINGRICH.

H.R. 4090: Mr. HENDON.

H.R. 4194: Mr. ROBINSON and Mrs. ROUKEMA.

H.R. 4228: Mr. SAXTON.

H.R. 4241: Mr. PRICE and Mr. KILDEE.

H.R. 4384: Mr. DAUB.

H.R. 4391: Mr. LIPINSKI and Mrs. COLLINS.

H.R. 4433: Mr. SHUMWAY.

H.R. 4621: Mr. ECKERT of New York.

H.R. 4639: Mr. DANIEL, Mr. ECKART of Ohio, Mr. CLINGER, Mr. NELSON of Florida, Mr. MANTON, Mr. DAUB, Mr. EDWARDS of Oklahoma, Mrs. MARTIN of Illinois, Ms. KAPTUR, Mr. BILIRAKIS, Mr. DORGAN of North Dakota, Mr. GARCIA, Mr. SCHEUER, and Mr. DE LUGO.

H.R. 4660: Mr. MACK and Mr. LELAND.

H.R. 4680: Mr. SCHEUER, Mr. KANJORSKI, Mr. FAUNTROY, Mr. BOLAND, Mr. FROST, Mr. MILLER of Ohio, Mr. HOWARD, Mr. HAYES, Mr. WORTLEY, Mr. COLEMAN of Texas, Mr. KLECZKA, Mr. LEHMAN of Florida, Mr. MRAZEK, Mr. BUSTAMANTE, Mr. FORD of Michigan, Mr. LIPINSKI, Mr. WIRTH, Mr. MARTINEZ, Mr. LEVINE of California, Mr. VENTO, Mr. STARK, Mr. MORRISON of Connecticut, Mr. GLICKMAN, Mr. MINETA, Mr. SHAW, Mr. WILSON, Mr. MONSON, Mr. SOLO-

MON, Mrs. BOXER, Mr. LEVIN of Michigan, Mr. COBEY, Mr. ANDREWS, Mr. EDWARDS of California, Mr. VOLKMER, Mr. SMITH of Florida, Mr. OWENS, Mr. DIXON, Mr. ECKART of Ohio, Mr. KILDEE, Mr. OBERSTAR, Mr. LELAND, Mr. MCKINNEY, Mr. BARNES, Mr. PURSELL, Mr. WEAVER, and Ms. MIKULSKI.

H.R. 4682: Mr. GARCIA, Mr. PACKARD, Mr. COBEY, Mr. MORRISON of Washington, Mr. DAUB, Mrs. BYRON, Mrs. BENTLEY, Mr. CHENEY, and Mr. SYNAR.

H.R. 4773: Mr. NICHOLS.

H.R. 4792: Mr. MARLENEE.

H.R. 4807: Mr. KASTENMEIER, Mr. EVANS of Illinois, Mr. PENNY, Mr. OBERSTAR, Mr. SLATTERY, Mr. COATS, Mr. DERRICK, Mr. WALKER, Mr. WORTLEY, and Mr. JACOBS.

H.R. 4838: Mr. GINGRICH.

H.R. 4871: Mr. RODINO, Mr. SCHUMER, Mr. DORNAN of California, Mr. MITCHELL, Mr. RANGEL, Mr. SMITH of Florida, and Mr. MARTINEZ.

H.R. 4881: Mr. WAXMAN.

H.R. 4884: Mr. WHITTAKER and Mr. COMBEST.

H.R. 4891: Mrs. BENTLEY.

H.J. Res. 244: Mr. ERDREICH, Mr. DYMALLY, Mr. SAXTON, and Mr. ATKINS.

H.J. Res. 381: Mr. SEIBERLING.

H.J. Res. 429: Mr. MILLER of Ohio, Mr. SYNAR, Mr. VANDER JAGT, Mr. OLIN, Mr. CALAHAN, Mr. DANIEL, Mr. WEAVER, Mr. WYDEN, Mr. SCHUMER, Mr. SABO, Mr. HAMMER-SCHMIDT, Mr. BIAGGI, Mr. SKELTON, Mr. MC EWEN, Mr. GRAY of Illinois, Mr. THOMAS of Georgia, Mr. HEFTTEL of Hawaii, Mr. APLEGATE, Mr. DONNELLY, Mr. BOUCHER, Mr. DE LUGO, Mr. SAVAGE, Mr. FUQUA, Mr. FUSTER, Mr. COELHO, Mr. HEFNER, Mr. BONER of Tennessee, Mr. ROSE, Mr. ANDERSON, Mr. VALENTINE, Mr. TRAFICANT, Mr. WHITTEN, Mr. CONYERS, Mr. COYNE, Mr. BERMAN, Mr. STOKES, Mr. MARKEY, Mr. YATRON, Mr. MONTGOMERY, Mr. MACKAY, Mr. ROWLAND of Georgia, Mr. PACKARD, Mr. BRUCE, Mr. COUGHLIN, Mr. CLINGER, Mr. ROTH, Mr. WALGREEN, and Mr. PEPPER.

H.J. Res. 508: Mr. CHAPPIE.

H.J. Res. 529: Mr. NELSON of Florida, Mr. MATSUI, Mr. FORD of Tennessee, Mr. ALEXANDER, Mr. BREAU, Mr. LEVIN of Michigan, Mr. PERKINS, Mr. WYDEN, Mr. MCCLOSKEY, Mr. SUNQUIST, Mr. BONIOR of Michigan, Mr. CARPER, Mr. WIRTH, Mr. LOWRY of Washington, Mr. FOGLIETTA, Mr. LIPINSKI, Mr. TALLON, Mr. ORTIZ, Mr. YOUNG of Alaska, Mr. CHAPPIE, Mr. CALLAHAN, Mr. FUSTER, Mr. GRAY of Illinois, and Mr. TRAFICANT.

H.J. Res. 640: Mr. SOLARZ, Mr. SABO, Mr. WOLPE, Mr. DIXON, Mr. NIELSON of Utah, Mrs. BOXER, Mr. DANIEL, Mr. HUNTER, Mr. HARTNETT, Mrs. LLOYD, Mr. CARNEY, Mr. UDALL, Mr. CHAPPELL, Mr. ROE, Mr. DWYER of New Jersey, Mr. REID, Mr. ACKERMAN, Mr. BONER of Tennessee, Mr. HEFNER, Mr. SLATTERY, Mr. LEWIS of California, Mr. FOGLIETTA, Mr. ORTIZ, Mr. KRAMER, and Mr. MARTIN of New York.

H.J. Res. 642: Mr. DASCHLE, Mr. SKELTON, Mr. HARTNETT, Mr. COURTER, Mr. JONES of Tennessee, Mr. MCCAIN, and Mr. HEFTTEL of Hawaii.

H. Con. Res. 325: Mr. KASICH and Mr. MATSUI.

H. Con. Res. 326: Mr. GARCIA.

H. Res. 388: Mr. DE LUGO, Mr. DARDEN, and Mr. SCHEUER.

H. Res. 451: Mr. APLEGATE, Mr. DEWINE, Mr. EVANS of Iowa, Mr. GARCIA, Mr. LELAND, Mr. MONSON, Mr. PARRIS, Mr. PEPPER, Mr. RICHARDSON, Mr. ROE, Mr. SAVAGE, Mr. SLATTERY, and Mr. WEAVER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

367. By the SPEAKER: Petition of the Ad Hoc Committee Against Contra Aid, Minneapolis, MN, relative to House investigations and hearings on Contra crimes; to the Committee on Foreign Affairs.

368. Also, petition of the City Council of Miracatu, Brazil, relative to aid to the Contras; to the Committee on Foreign Affairs.

369. Also, petition of the Borough of Woodstown, NJ, relative to an amendment to the Constitution; to the Committee on the Judiciary.

370. Also, petition of Senator Ted S. Nelson, chairman, committee on general governmental operations, Guam Legislature, Agana, Guam, relative to amnesty for H-2 alien workers on Guam; to the Committee on the Judiciary.

371. Also, petition of the council of the village of Brooklyn, Heights, OH, relative to the recognition of June 21, 1986, as "Save American Industry/Job Day"; to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1

By Mr. BEREUTER:

(To the amendment in the nature of a substitute to H.R. 1 (text of H.R. 4746)).

—Page 93, after line 9, insert the following new section (and conform the table of contents accordingly):

SEC. 305. STUDY OF MORTGAGE CREDIT IN RURAL AREAS.

The Secretary of Housing and Urban Development shall conduct a study of the availability and use of funds for the purchase and improvement of residential real property in rural areas, particularly in communities that have populations of not more than 2,500 individuals. Not later than April 1, 1987, the Secretary shall submit to the Congress a detailed report setting forth the findings of the Secretary as a result of the study.

(To the amendment in the nature of a substitute (text of H.R. 4757)).

—Page 79, after line 24, insert the following new section (and conform the table of contents accordingly):

SEC. 305. STUDY OF MORTGAGE CREDIT IN RURAL AREAS.

The Secretary of Housing and Urban Development shall conduct a study of the availability and use of funds for the purchase and improvement of residential real property in rural areas, particularly in communities that have populations of not more than 2,500 individuals. Not later than April 1, 1987, the Secretary shall submit to the Congress a detailed report setting forth the findings of the Secretary as a result of the study.

By Mrs. BURTON of California:

(To the amendment in the nature of a substitute to H.R. 1 (text of H.R. 4746)).

—Page 90, after line 4, insert the following new section (and conform the table of contents accordingly):

SEC. 245. PROCEDURES AND POLICIES FOR MANDATORY MEAL PROGRAMS IN ASSISTED HOUSING FOR THE ELDERLY.

(a) EXEMPTIONS FROM MEAL PROGRAMS.—

(1) REQUIRED EXEMPTIONS.—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program shall grant a tenant an exemption from such participation if—

(A) the program cannot satisfactorily accommodate the special dietary or health needs of the tenant, as certified by the physician of the tenant;

(B) the program cannot satisfactorily accommodate the special diet or food practices of the tenant;

(C) participation in the program substantially interferes with the employment of the tenant; or

(D) participation in the program constitutes an unbearable financial hardship on the tenant, taking into consideration the cost to the tenant of meals not covered by the program and other necessary living costs remaining after payment of charges for the program.

(2) ADDITIONAL EXEMPTIONS.—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program may grant a tenant an exemption from such participation for any additional reason determined by the owner to be appropriate.

(b) FINANCIAL ASSISTANCE.—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program may, in lieu of granting an exemption under subsection (a)(1)(D), provide the tenant with financial assistance toward the cost of participation in the program.

(c) ACCEPTANCE OF FOOD STAMPS AS PAYMENT.—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program shall accept food stamps toward payment for the meals included in such program.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "assisted housing" means housing that is assisted under section 202 of the Housing Act of 1959, section 236 of the National Housing Act, or section 8 of the United States Housing Act of 1937.

(2) The term "elderly" means any individual who is not less than 62 years of age or any family the head of which (or whose spouse) is not less than 62 years of age.

(e) REGULATIONS.—The Secretary of Housing and Urban Development shall issue such regulations as may be necessary to carry out this section.

(To the amendment in the nature of a substitute (text of H.R. 4757)).

—Page 77, after line 6, insert the following new section (and conform the table of contents accordingly):

SEC. 224. PROCEDURES AND POLICIES FOR MANDATORY MEAL PROGRAMS IN ASSISTED HOUSING FOR THE ELDERLY.

(a) EXEMPTIONS FROM MEAL PROGRAMS.—

(1) REQUIRED EXEMPTIONS.—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program shall grant a tenant an exemption from such participation if—

(A) the program cannot satisfactorily accommodate the special dietary or health needs of the tenant, as certified by the physician of the tenant;

(B) the program cannot satisfactorily accommodate the special diet or food practices of the tenant;

(C) participation in the program substantially interferes with the employment of the tenant; or

(D) participation in the program constitutes an unbearable financial hardship on the tenant, taking into consideration the

cost to the tenant of meals not covered by the program and other necessary living costs remaining after payment of charges for the program.

(2) **ADDITIONAL EXEMPTIONS.**—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program may grant a tenant an exemption from such participation for any additional reason determined by the owner to be appropriate.

(b) **FINANCIAL ASSISTANCE.**—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program may, in lieu of granting an exemption under subsection (a)(1)(D), provide the tenant with financial assistance toward the cost of participation in the program.

(c) **ACCEPTANCE OF FOOD STAMPS AS PAYMENT.**—The owner of any assisted housing for the elderly that requires tenants to participate in a meal program shall accept food stamps toward payment for the meals included in such program.

(d) **DEFINITIONS.**—For purposes of this section:

(1) The term "assisted housing" means housing that is assisted under section 202 of the Housing Act of 1959, section 236 of the National Housing Act, or section 8 of the United States Housing Act of 1937.

(2) The term "elderly" means any individual who is not less than 62 years of age or any family the head of which (or whose spouse) is not less than 62 years of age.

(e) **REGULATIONS.**—The Secretary of Housing and Urban Development shall issue such regulations as may be necessary to carry out this section.

By Mrs. ROUKEMA:

(To the amendment in the nature of a substitute to H.R. 1 (text of H.R. 4746)).
—Page 115, line 1, strike "115 percent" and insert "90 percent".

By Mr. ROYBAL:

(To the amendment in the nature of a substitute to H.R. 1 (text of H.R. 4746)).
—Page 90, after line 4, insert the following new section (and conform the table of contents accordingly):

SEC. 245. MODIFICATION OF RESTRICTION ON USE OF ASSISTED HOUSING BY ALIENS.

(a) **LIMITATION OF RESTRICTION TO NEW APPLICATIONS.**—Section 214(a) of the Housing and Community Development Act of 1980 is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively; and

(3) by adding at the end the following new paragraph:

"(2) The restriction established in this subsection shall not apply to—

"(A) the continued provision of any financial assistance commenced before the date of the enactment of the Housing Act of 1986;

"(B) the provision of any financial assistance pursuant to a conversion from any other financial assistance; or

"(C) the provision of any financial assistance to an individual displaced from a dwelling as a result of an activity of the Federal Government or an activity approved or assisted by the Federal Government."

(b) **RETENTION OF RESTRICTION OF NONIMMIGRANT STUDENT-ALIENS.**—Section 214 of the Housing and Community Development Act of 1980 is amended—

"(1) by redesignating subsection (c); and

"(2) by inserting after subsection (a) the following new subsection:

"(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of—

"(1) any alien who—

"(A) has a residence in a foreign country that such alien has no intention of abandoning;

"(B) is a bona fide student qualified to pursue a full course of study; and

"(C) is admitted to the United States temporarily and solely for purposes of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by such alien and approved by the Attorney General after consultation with the Department of Education of the United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student (and if any such institution of learning or place of study fails to make such reports promptly the approval shall be withdrawn); and

"(2) the alien spouse and minor children of any alien described in paragraph (1), if accompanying such alien or following to join such alien."

"(c) **CERTIFICATION AND DOCUMENTATION PROCEDURES.**—Section 214 of the Housing and Community Development Act of 1980 (as amended by subsection (b) of this section) is further amended by adding at the end of the following new subsection:

"(d) In carrying out this section, the Secretary of Housing and Urban Development shall require, as a condition of providing financial assistance for the benefit of any individual, that such individual—

"(1) declare in writing, under penalty of perjury, whether or not such individual is a citizen or national of the United States; and

"(2) if not a citizen or national, provide such documentation regarding the immigration status of such individual as the Secretary may require by regulation."

By Mr. WORTLEY:

(To the amendment in the nature of a substitute to H.R. 1 (text of H.R. 4746)).

—Page 14, after line 12, insert the following new section (and redesignate the subsequent sections, and conform the table of contents, accordingly):

SEC. 124. HOME EQUITY CONVERSION MORTGAGE INSURANCE DEMONSTRATION.

Title II of the National Housing Act is amended by adding at the end the following new section:

"DEMONSTRATION PROGRAM OF INSURANCE OF HOME EQUITY CONVERSION MORTGAGES FOR ELDERLY HOMEOWNERS"

"SEC. 254. (a) **PURPOSE.**—The purpose of this section is to authorize the Secretary to carry out a demonstration program of mortgage insurance designed—

"(1) to meet the special needs of elderly homeowners by reducing the effect of the economic hardship caused by the increasing costs of meeting health, housing, and subsistence needs at a time of reduced income, through the insurance of home equity conversion mortgages to permit the conversion of a portion of accumulated home equity into liquid assets;

"(2) to encourage and increase the involvement of mortgages and participants in the secondary mortgage market in the making and servicing of home equity conversion mortgages for elderly homeowners; and

"(3) to require the evaluation of data to determine—

"(A) the extent of the need and demand among elderly homeowners for insured and

uninsured home equity conversion mortgages;

"(B) the types of home equity conversion mortgages that best serve the needs and interests of elderly homeowners, the Federal Government, and lenders; and

"(C) the appropriate scope and nature of participation by the Secretary in connection with home equity conversion mortgages for elderly homeowners.

"(b) **DEFINITIONS.**—For purposes of this section:

"(1) The terms 'elderly homeowner' and 'homeowner' mean any homeowner who is, or whose spouse is, at least 65 years of age or such higher age as the Secretary may prescribe.

"(2) The terms 'first mortgage', 'mortgage', 'mortgagee', 'mortgagor', and 'State' have the meanings given such terms in section 201.

"(3) The term 'home equity conversion mortgage' means a loan secured by a first lien on a property upon which there is located a dwelling designed principally for a 1-family residence that—

"(A) provides for monthly payments to the homeowner based upon accumulated equity;

"(B) may provide for a fixed or variable term or for future sharing, between the lender and the homeowner, of the equity or appreciation in the value of the dwelling;

"(C) provides that the loan shall become due on a specified date after disbursement of the full principal amount, or when a specified event (such as the sale of the dwelling or the death of the homeowner) occurs;

"(D) provides that the monthly payments required in the mortgage instrument shall be made directly by the lender to the homeowner;

"(E) provides that prepayment in whole or in part may be made without penalty at any time during the term of the loan; and

"(F) provides that the interest rate shall be fixed, as agreed upon by the mortgagor and the mortgagee at the origination of the mortgage.

"(c) **INSURANCE AUTHORITY.**—The Secretary may, upon application by a mortgagee, insure any home equity conversion mortgage eligible for insurance under this section and, upon such terms and conditions as the Secretary may prescribe, make commitments for the insurance of such mortgages prior to the date of their execution or disbursement to the extent that the Secretary determines such mortgages—

"(1) have promise for improving the financial situation or otherwise meeting the special needs of elderly homeowners;

"(2) will include appropriate safeguards for mortgagors to offset the special risks of such mortgages;

"(3) have a potential for acceptance in the private mortgage market; and

"(4) have a potential for purchase by a secondary market institution.

"(d) **ELIGIBILITY REQUIREMENTS.**—To be eligible for insurance under this section, a mortgage shall—

"(1) have been made to, and be held by, a mortgagee approved by the Secretary as responsible and able to service the mortgage properly;

"(2) have been executed by a mortgagor who—

"(A) qualifies as an elderly homeowner;

"(B) has received adequate counseling by a third party (other than the lender) as provided in subsection (g); and

"(C) meets any additional requirements prescribed by the Secretary;

"(3) be secured by a dwelling that is designed principally for a 1-family residence and is occupied by the mortgagor;

"(4) involve a principal obligation (including such initial service charges, appraisal, inspections, and other fees as the Secretary shall approve, and all interest to be deferred and added to the principal) that does not, on the date the mortgage is accepted for insurance, exceed whichever of the following is less:

"(A) 125 percent of the maximum dollar amount established by the Secretary under section 203(b)(2) for a 1-family residence; or

"(B) 90 percent of the appraised value of the property;

"(5) provide for a fixed interest rate, as agreed upon by the mortgagor and the mortgagee;

"(6) contain provisions for full satisfaction of the obligation satisfactory to the Secretary;

"(7) provide that, in the event of any foreclosure on the mortgage, the homeowner shall not be liable for any difference between the net amount of the remaining indebtedness of the homeowner under the mortgage and the amount recovered by the mortgagee from—

"(A) the foreclosure sale; or

"(B) the insurance benefits paid pursuant to subsection (e); and

"(8) contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, default reserve, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Secretary may prescribe.

"(e) APPLICABILITY OF SECTION 204.—

"(1) Each mortgagee of a mortgage insured under this section shall be eligible to receive the benefits of insurance as provided in section 204(a) with respect to such mortgage, except that in the case of a mortgage providing for shared appreciation—

"(A) the insurance benefits shall not include the share of the mortgagee of the net appreciated value; and

"(B) the term 'original principal obligation of the mortgage' as used in section 204 shall not include the share of the mortgagee of the net appreciated value.

"(2) The provisions of subsections (b) through (k) of section 204 shall be applicable to mortgages insured under this section, except that—

"(A) all references in such subsections to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the General Insurance Fund; and

"(B) all references in such subsections to section 203 shall be construed to refer to this section.

"(f) DISCLOSURES BY MORTGAGEE.—The Secretary shall require each mortgagee of a mortgage insured under this section to make available to the homeowner—

"(1) at the time of the loan application, a written list of the names and addresses of third-party counselors who are approved by the Secretary as responsible and able to provide the counseling required in subsection (g); and

"(2) on an annual basis (but not later than January 31 of each year), a statement summarizing the total principal amount paid

made to the homeowner under the loan secured by the mortgage, the total amount of deferred interest added to the principal, and the outstanding loan balance at the end of the preceding year.

"(g) COUNSELING SERVICES FOR MORTGAGORS.—The Secretary shall require the third-party counseling required in subsection (d)(2)(B)—

"(1) to be provided by counselors (other than the lender) who are approved by the Secretary as responsible and able to provide counseling to elderly homeowners; and

"(2) to include—

"(A) informing the elderly homeowner of options other than a home equity conversion mortgage that are available to the homeowner, including other housing, social service, health, and financial options;

"(B) informing the elderly homeowner of other home equity conversion options that are or may become available to the homeowner, such as sale-leaseback financing, deferred payment loans, and property tax deferral;

"(C) informing the elderly homeowner of all financial implications of entering into a home equity conversion mortgage, including any tax consequences, any effect on the eligibility of the homeowner for assistance under Federal and State programs, and any effect on the amount of such assistance;

"(D) informing the elderly homeowner of all the effects that entering into a home equity conversion mortgage will have on the estate and heirs of the homeowner;

"(E) providing any other information that the Secretary may require; and

"(F) providing the elderly homeowner with a written summary, acknowledged in writing by the mortgagor, of all of the information required in subparagraphs (A) through (E).

"(h) LIMITATION ON INSURANCE AUTHORITY.—No mortgage may be insured under this section after September 30, 1988, except pursuant to a commitment to insure mortgages issued on or before such date. The total number of mortgages insured under this section may not exceed 1,000.

"(i) ADMINISTRATIVE AUTHORITY.—The Secretary may—

"(1) enter into such contracts and agreements with Federal, State, and local agencies, public and private entities, and such other persons as the Secretary determines to be necessary or desirable to carry out the purposes of this section; and

"(2) make such investigations and studies of data, and publish and distribute such reports, as the Secretary determines to be appropriate.

"(j) PREEMPTION OF STATE LAW.—Mortgages insured and authorized under this section, and applicable regulations that contain or set forth provisions pertaining to sharing appreciation, increases in the outstanding balance after execution of the mortgage (including adding deferred interest to principal), disbursement of mortgage proceeds over an extended term, or setting of a due date in relation to the earliest of a specified event, shall not be subject to any constitution, statute, court decree, common law, rule, or public policy of a State that—

"(1) limits or prohibits sharing appreciation, increases in the outstanding balance after execution of the mortgage, or dis-

bursalment of mortgage proceeds over an extended time; or

"(2) requires that the term of the mortgage be fixed.

"(k) PROTECTION OF HOMEOWNER IN EVENT OF DEFAULT BY LENDER.—

"(1) Notwithstanding any other provision of law, and in order to further the purposes of the demonstration program authorized in this section, the Secretary shall take any action necessary—

"(A) to provide any mortgagor under this section with funds to which the mortgagor is entitled under the insured mortgage or ancillary contracts but that the mortgagor has not received because of the default of the party responsible for payment; and

"(B) to obtain repayment of disbursements provided under subparagraph (A) from any source.

"(2) Actions under paragraph (1) may include—

"(A) disbursing funds to the mortgagor from the General Insurance Fund;

"(B) accepting an assignment of the insured mortgage notwithstanding that the mortgagor is not in default under its terms, and calculating the amount and making the payment of the insurance claim on such assigned mortgage;

"(C) requiring a subordinate mortgage from the mortgagor at any time in order to secure repayments of any funds advanced or to be advanced to the mortgagor;

"(D) requiring a subrogation to the Secretary of the rights of any parties to the transaction against any defaulting parties;

"(E) imposing premium charges; and

"(F) preempting any State or local law that may prohibit or limit any of the actions described in subparagraphs (A) through (E).

"(l) REPORT TO CONGRESS.—The Secretary shall evaluate the program authorized in this section and, not later than April 1, 1989, submit to the Congress a report setting forth the results of such evaluation. Such report shall—

"(1) describe the types of mortgages appropriate for inclusion in such program;

"(2) describe any restrictions in State or local law that require preemption under subsection (j) or (k) in order to continue such program;

"(3) describe any changes in the insurance programs under this title, or in other Federal regulatory provisions, determined to be appropriate;

"(4) describe any risk created by such program to mortgagors or the insurance programs under this title, and whether the risk is adequately covered by the premiums under the insurance programs;

"(5) evaluate whether such program has improved the financial situation or otherwise met the special needs of participating elderly homeowners;

"(6) evaluate whether such program has included appropriate safeguards for mortgagors to offset the special risks of such mortgages;

"(7) evaluate whether home equity conversion mortgages have a potential for acceptance in the private market; and

"(8) evaluate whether such program has increased secondary mortgage market activity with respect to home equity conversion mortgages."